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Community Land Act 1975

CHAPTER 77



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Community Land Act 1975

CHAPTER 77

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ELIZABETH II



Community Land Act 1975

1975 CHAPTER 77

An Act to enable local authorities and certain other authorities to acquire, manage and deal with land suitable for development, and to make other provision for and in connection with the public ownership of land; to amend planning law and the rules for assessing the value of land for compulsory acquisition and other cases where compensation is payable; to make provision concerning unoccupied office premises; and to establish a Land Authority for Wales.

[12 November 1975]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

PRELIMINARY

Authorities for purposes of the Act

- 1.—(1) In this Act, unless the context otherwise requires, Authorities, “authority”—
- (a) in relation to England means a local authority or a new town authority, or the Peak Park Joint Planning Board or the Lake District Special Planning Board,
 - (b) in relation to Scotland means a local authority or a new town authority,

PART I

(c) in relation to Wales means the Land Authority for Wales established under Part II of this Act or a new town authority.

(2) For the purposes of this Act—

1965 c. 59.

1968 c. 16.

(a) the area of a new town authority is the area for the time being designated under section 1 of the New Towns Act 1965, or under section 1 of the New Towns (Scotland) Act 1968, as the site of the proposed new town ;

(b) the area of the Land Authority for Wales is the whole of Wales ;

(c) the area of the Peak Park Joint Planning Board and the area of the Lake District Special Planning Board is, in each case, the area of the National Park for which the Board is responsible.

(3) In this Act, in relation to any land, “ authority ” means the authorities whose areas include the land.

Joint boards.

2.—(1) If it appears to the Secretary of State expedient that a joint board should be established as an authority for all or any of the purposes of Part III, Part V or Part VI of this Act in the areas of two or more authorities, or in any parts of those areas, he may after consulting those authorities by order—

(a) constitute those areas or parts as a district for the purposes specified in the order, and

(b) constitute a joint board as the authority to act in that district for those purposes instead of any other authority, or instead of such other authorities as are specified in the order.

(2) The Secretary of State shall not make the order except after holding a public local inquiry unless all the authorities concerned have consented to the making of the order ; and an order made after such an inquiry has been held shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) The joint board shall be a body corporate consisting of such number of members as may be determined by the order, to be appointed by the constituent authorities.

1972 c. 70.

(4) The order constituting the joint board, and any order amending or revoking an order under this section may, without prejudice to the provisions of section 241 of the Local Government Act 1972 (which authorises the application of the provisions of that Act to joint boards), provide for regulating the appointment, tenure of office and vacation of office of members

of the board, for regulating the meetings and proceedings of the board, and for the payment of the expenses of the board by the constituent authorities.

(5) An order under this section may make such incidental, consequential, transitional or supplementary provision as appears to the Secretary of State to be necessary or expedient and, in particular—

(a) may provide for the transfer and compensation of officers, the transfer of property and liabilities, and the adjustment of accounts and apportionment of liabilities,

(b) may adapt or modify any of the provisions of this Act or of any other enactment concerning the acquisition of land.

(6) This section shall not apply in Wales.

(7) An order under this section shall not come into force before the expiration of a period of one month beginning with the passing of this Act.

Interpretation

3.—(1) In this Act “development land” means land which, in the opinion of the authority concerned, is needed for relevant development within ten years from the time at which they are acting.

Development
land and
relevant
development.

(2) In this Act “relevant development” means any development except—

(a) development of any class specified in Schedule 1 to this Act,

(b) development consisting exclusively of the building of a single dwelling-house, and

(c) development of such class or classes as may be prescribed by the Secretary of State by regulations.

(3) The reference in subsection (2) above to the building of a single dwelling-house includes a reference to the construction or laying out of any garage, outhouse, garden, yard, court, forecourt, or other appurtenance for occupation with, and for the purposes of, a single dwelling-house.

(4) Regulations under this section shall not be made unless a draft of the regulations has been approved by a resolution of each House of Parliament.

4.—(1) A material interest in land shall be treated as outstanding for the purposes of this Act unless—

Outstanding
material
interests.

(a) it is owned by an authority, a local or new town authority, a parish or community council or, in Scotland, the

PART I

- council of a district within the area of a general planning authority, or
- (b) during the whole of the period beginning with 12th September 1974 and ending with the relevant time, it has been owned by a charity (but not necessarily the same charity throughout), or
 - (c) it is of a description specified in an order made under this subsection by the Secretary of State.
- (2) For the purposes of subsection (1) above, a material interest in land shall be treated as owned by any person mentioned in that subsection at any time if, at that time, that person—
- (a) has or had entered into a binding contract for its acquisition, or
 - (b) subject only to completion of the administration of a deceased person's estate, is or was entitled to it under the terms of the deceased person's will.
- (3) An order under subsection (1) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Statutory
undertakers.

5.—(1) In this Act, unless the context otherwise requires, “statutory undertakers” means—

- (a) persons authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking, or any undertaking for the supply of electricity, gas, hydraulic power or water,
 - (b) the British Airports Authority, the Civil Aviation Authority, the National Coal Board, the Post Office and any other authority, body or undertakers which by virtue of any enactment are to be treated as statutory undertakers for any of the purposes of the Act of 1971 or of the Scottish Act of 1972, and
 - (c) any other authority, body or undertakers specified in an order made by the Secretary of State under this paragraph,
- and “statutory undertaking” shall be construed accordingly.

(2) In this Act “operational land” means, in relation to statutory undertakers—

- (a) land which is used for the purpose of carrying on their undertaking, and
- (b) land in which an interest is held for that purpose, not being land which, in respect of its nature and situation, is comparable rather with land in general than with land which is

used, or in which interests are held, for the purpose of the carrying on of statutory undertakings.

PART I

(3) In relation to any statutory undertakers specified in an order made under this subsection by the Secretary of State and the appropriate Minister acting jointly, subsection (2) above shall not apply and in this Act "operational land" shall have the meaning given by the order as respects those undertakers.

(4) In this Act the expression "the appropriate Minister", and any reference to the Secretary of State and the appropriate Minister—

(a) in relation to any statutory undertakers who are also statutory undertakers for the purposes of any provision of Part XI of the Act of 1971 or Part XI of the Scottish Act of 1972, shall have the same meanings as in the said Part XI, and

(b) in relation to any other statutory undertakers, shall have the meanings given by an order made by the Secretary of State under this subsection.

(5) If, in relation to anything required or authorised to be done under this Act, any question arises as to which Minister is the appropriate Minister in relation to any statutory undertakers, that question shall be determined by the Treasury; and if any question so arises whether any land is operational land of statutory undertakers, or would be such land if it were used or held by statutory undertakers for the purposes covered by planning permission, that question shall be determined by the Minister who is the appropriate Minister in relation to those undertakers.

(6) An order made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

- 6.—(1) In this Act, unless the context otherwise requires—
- | | |
|---|---|
| the "Acquisition of Land Acts" means the Acquisition of Land (Authorisation Procedure) Act 1946 and the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947, and "the Act of 1946" and "the Scottish Act of 1947" mean those Acts respectively, | Other interpretation.
1946 c. 49.
1947 c. 42. |
| "the Act of 1971" means the Town and Country Planning Act 1971, | 1971 c. 78. |
| "the Scottish Act of 1972" means the Town and Country Planning (Scotland) Act 1972, | 1972 c. 52. |
| "agriculture" has the meaning assigned to it by section 290 of the Act of 1971 or section 275 of the Scottish Act of 1972, | |

PART I

1970 c. 10.

- “building” includes any structure or erection, and any part of a building as so defined, but does not include plant or machinery comprised in a building,
- “buildings or works” includes waste materials, refuse and other matters deposited on land, and references to the erection or construction of buildings or works shall be construed accordingly,
- “charity” has the same meaning as in section 360 of the Income and Corporation Taxes Act 1970 and as respects Scotland “charitable” shall be construed as if it were contained in that Act,
- “common” includes any land subject to be enclosed under the Inclosure Acts 1845 to 1882, and any town or village green,
- “community council” means a community council in Wales,
- “development” has the meaning assigned to it by section 22 of the Act of 1971 or section 19 of the Scottish Act of 1972, and “develop” shall be construed accordingly,
- “development order” has the meaning assigned to it by section 24 of the Act of 1971 or section 21 of the Scottish Act of 1972,
- “development plan” has the same meaning as in the Act of 1971 or the Scottish Act of 1972,
- “disposal” includes disposal by sale, exchange, excambion or lease and, in the case of a lease, by grant, assignment or assignation,
- “easement”, in relation to Scotland, means servitude,
- “enactment” includes an enactment in any local or private Act of Parliament, and an order, rule, regulation, byelaw or scheme made under an Act of Parliament,
- “erection”, in relation to buildings, includes extension, alteration and re-erection,
- “freehold”, in relation to Scotland, means the estate or interest of the proprietor of the *dominium utile* or in relation to land not held on feudal tenure the interest in land of the owner thereof, and “freeholder” shall be construed accordingly,
- “fuel or field garden allotment” means any allotment set out as a fuel allotment, or a field garden allotment, under an Inclosure Act,
- “functions” includes powers and duties,
- “general development order” means a development order made as a general order applicable (subject to such

exceptions as may be specified therein) to all land in England and Wales, or to all land in Scotland,

“government department” includes any Minister of the Crown,

“land” means any corporeal hereditament, including a building and includes an interest in or right over land,

“land”, in relation to Scotland, includes land covered with water, any building, any interest in land and any servitude or right in or over land,

“land acquisition and management scheme” has the meaning given by section 16 of this Act,

“lease” includes an underlease or sublease and an agreement for a lease, underlease or sublease, but does not include an option to take a lease or a mortgage,

“local authority” means—

(a) in relation to England, the council of a county or district, the council of a London borough, the Common Council of the City of London and the Greater London Council,

(b) in relation to Wales, the council of a county or district,

(c) in relation to Scotland, a regional, general or district planning authority within the meaning of Part IX of the Local Government (Scotland) Act 1973 c. 65, 1973,

and this Act shall apply to the Isles of Scilly as if the Council of those Isles were the council of a county,

“material interest”, in relation to land, means the freehold or a lease the unexpired term of which at the relevant time is not less than seven years,

“minerals” has the meaning assigned to it by section 290 of the Act of 1971 or section 275 of the Scottish Act of 1972,

“Minister” means any Minister of the Crown or other government department,

“mortgagee”, in relation to Scotland, means the creditor in a heritable security,

“new town authority” means a development corporation as defined in section 2 of the New Towns Act 1965, or 1965 c. 59, in section 2 of the New Towns (Scotland) Act 1968, 1968 c. 16,

“open space” means any land laid out as a public garden or used for the purposes of public recreation, or land which is a disused burial ground,

“parish council” includes a parish meeting and the parish trustees of a parish,

PART I

“ planning permission ” means permission granted (or to be deemed or treated as granted) under Part III of the Act of 1971 or of the Scottish Act of 1972, and in construing references to planning permission to develop or to carry out development of land, or to applications for such permission, regard shall be had to section 32(2) of the Act of 1971 or section 29(2) of the Scottish Act of 1972 (permission to retain development),

“ prescribed ”, in relation to the form of any document, means prescribed by regulations under section 53 of this Act.

(2) For the purposes of the definition of “ material interest ” above it shall be assumed that any option (other than one conferred by or under Act of Parliament) to renew or extend the lease, whether or not forming part of a series of options, is exercised, and that any option (other than one conferred by or under Act of Parliament) to terminate the lease is not exercised.

(3) In this Act any reference to the time when planning permission is or was granted, in the case of planning permission granted on an appeal, is a reference to the time of the decision appealed against or, in the case of planning permission granted on an appeal in the circumstances mentioned in section 37 of the Act of 1971 or section 34 of the Scottish Act of 1972, a reference to the time when in accordance with that section notification of the decision is or was deemed to have been received.

(4) In this Act any reference to planning permission for relevant development includes a reference to planning permission for development which includes relevant development.

(5) In this Act any reference to the suspension of planning permission shall be taken as a reference to suspension under sections 19 to 22 of, and Schedule 7 to, this Act, and cognate expressions shall be construed accordingly.

(6) In this Act any reference to a notice to treat shall, unless the context otherwise requires, be construed as including a reference to a notice to treat which by virtue of any enactment is deemed to have been served, and any reference to the date of service of a notice to treat shall be construed accordingly.

(7) References in this Act to any enactment shall, except where the context otherwise requires, be construed as references to that enactment as amended or extended by or under any other enactment, including this Act.

Commencement

The appointed
days, etc.

7.—(1) In this Act the “ first appointed day ” and “ second appointed day ” each mean such day as the Secretary of State may by order appoint, and “ the relevant date ” has the meaning given by section 18(6) of this Act.

PART I

(2) The first appointed day shall not be earlier than the first date when a draft of regulations under section 3 of this Act (excepting one or more classes of development from relevant development) has been approved by resolution of each House of Parliament.

(3) The second appointed day shall not be earlier than the first date when—

(a) all relevant development has been designated, by orders under section 18 of this Act, in all areas of Great Britain, and

(b) a draft of regulations under section 27 of this Act establishing one or more financial hardship tribunals, or conferring on one or more existing bodies or groups of bodies the functions of financial hardship tribunals, has been approved by resolution of each House of Parliament.

(4) The order appointing the second appointed day shall not be made unless a draft of the order has been approved by resolution of each House of Parliament.

(5) Schedule 2 to this Act concerns the provisions of this Act respectively coming into force on, or depending on,—

(a) the first appointed day,

(b) the relevant date, and

(c) the second appointed day.

PART II

THE LAND AUTHORITY FOR WALES

8.—(1) There shall be a Land Authority for Wales who shall perform the functions assigned to them by this Act. The Authority.

(2) The provisions of Schedule 3 to this Act shall have effect with respect to the Authority.

(3) The Authority, in the performance of their functions under this Act, shall comply with such directions as may be given to them by the Secretary of State.

(4) The Authority shall not be regarded as the servant or agent of the Crown or as enjoying any status, privilege or immunity of the Crown; and their property shall not be regarded as property of, or property held on behalf of, the Crown.

9.—(1) The Authority shall on establishment assume a debt The initial debt to the Secretary of State (in this section referred to as “the initial debt”) of such amount as the Secretary of State may with the approval of the Treasury determine by notice in writing given to the Authority.

PART II

(2) The Secretary of State may out of money provided by Parliament defray expenses incurred in establishing the Authority, and any expenses incurred before its establishment in providing for its accommodation, including the payment of any rent, and for the payment of salaries and expenses to the persons who are appointed as members and officers of the Authority.

In determining the amount of the initial debt the Secretary of State shall have regard to the expenses so incurred by him.

(3) The amount of the initial debt shall not exceed £100,000.

(4) The rate of interest payable on the initial debt, the arrangements for paying off the principal, and the other terms of the debt shall be such as the Secretary of State may with the approval of the Treasury from time to time determine.

(5) Any sums received by the Secretary of State by way of interest on or repayment of the initial debt shall be paid into the National Loans Fund.

**Borrowing
powers.**

10.—(1) The Authority may borrow temporarily, by way of overdraft or otherwise, such sums as they may require for meeting their obligations and discharging their functions—

(a) in sterling from the Secretary of State, or

(b) with the consent of the Secretary of State, or in accordance with any general authority given by the Secretary of State, either in sterling or in a currency other than sterling from a person other than the Secretary of State.

(2) The Authority may borrow otherwise than by way of temporary loan such sums as the Authority may require—

(a) in sterling from the Secretary of State, or

(b) with the consent of the Secretary of State, in a currency other than sterling from a person other than the Secretary of State.

(3) The Authority may, with the consent of the Secretary of State, borrow (otherwise than by way of temporary loan) from the Commission of the European Communities or the European Investment Bank sums in any currency.

(4) The aggregate amount outstanding by way of the principal of—

(a) the initial debt, and

(b) any money borrowed by the Authority under this section,

shall not exceed £40 million or such greater amount not exceeding £60 million as the Secretary of State may specify by order.

(5) An order under this section shall not be made unless a draft of it has been laid before and approved by the House of Commons.

(6) The Authority shall not borrow money otherwise than under this section.

(7) The Secretary of State may lend to the Authority any sums which the Authority have power to borrow from him, and any such loan shall be repaid to the Secretary of State at such times and by such methods, and interest on the loan shall be paid to him at such rates and at such times, as he may from time to time determine.

(8) The Treasury may issue out of the National Loans Fund to the Secretary of State such sums as are necessary to enable him to make loans in pursuance of this section, and any sums received by the Secretary of State in pursuance of subsection (7) above shall be paid into that Fund.

(9) References in this section to the Secretary of State are references to him acting with the approval of the Treasury.

11.—(1) The Treasury may guarantee, in such manner and on such conditions as they think fit, the repayment of the principal of and the payment of interest on any sums which the Authority borrow from a person other than the Secretary of State. Guarantees.

(2) Immediately after a guarantee is given under this section the Treasury shall lay a statement of the guarantee before each House of Parliament; and where any sum is issued for fulfilling the guarantee so given the Treasury shall, as soon as practicable after the end of each financial year (beginning with that in which the sum is issued and ending with that in which all liability in respect of the principal of the sum and in respect of interest thereon is finally discharged), lay before each House of Parliament a statement relating to that sum.

(3) Any sums required by the Treasury for fulfilling a guarantee under this section shall be charged on and issued out of the Consolidated Fund.

(4) If any sums are issued in fulfilment of a guarantee given under this section, the Authority shall make to the Treasury, at such times and in such manner as the Treasury may from time to time direct, payments of such amounts as the Treasury so direct in or towards repayment of the sums so issued and payments of interest, at such rate as the Treasury so direct, on what is outstanding for the time being in respect of sums so issued.

(5) Any sums received by the Treasury in pursuance of subsection (4) above shall be paid into the Consolidated Fund.

PART II

Accounts
and audit.

12.—(1) The Authority shall—

- (a) keep proper accounts and proper records in relation to the accounts, and
- (b) prepare in respect of each accounting year a statement of accounts, in such form as the Secretary of State may with the approval of the Treasury require, showing the state of affairs and the profit or loss of the Authority, and
- (c) on or before 30th November in any year transmit to the Comptroller and Auditor General the statement of accounts of the Authority for the accounting year last ended.

(2) The Comptroller and Auditor General shall examine and certify the statement of accounts transmitted to him under subsection (1) above, and lay copies of it together with his report thereon before each House of Parliament.

(3) The Secretary of State shall for each financial year prepare, in such form and manner as the Treasury may approve, an account of—

- (a) sums issued to the Secretary of State in pursuance of section 10 of this Act, and the disposal by the Secretary of State of those sums ;
- (b) sums required to be paid into the National Loans Fund in pursuance of section 9 or 10 of this Act ;

and shall send a copy of the account to the Comptroller and Auditor General not later than the end of November next following that year ; and the Comptroller and Auditor General shall examine, certify and report on the account and shall lay copies of it and of his report on it before Parliament.

Reports.

13.—(1) The Authority shall as soon as practicable after the end of each accounting year make to the Secretary of State a report on the exercise of their functions during that year.

(2) The report for any accounting year—

- (a) shall set out any direction given to the Authority under this Act, unless the Secretary of State has notified to the Authority his opinion that it should be omitted in the interests of national security, and
- (b) shall include such information relating to the plans, and past and present activities, of the Authority and the financial position of the Authority, as the Secretary of State may from time to time direct.

(3) There shall be attached to the report for each accounting year a copy of the statement of accounts in respect of that year.

(4) The Secretary of State shall lay before Parliament copies of each report made to him under subsection (1) above. PART II

14.—(1) The Authority shall have the general function of managing and turning to account land acquired by them under this Act and for the time being held by them. Management, etc. of land held by the Authority.

(2) The Authority may, with the consent of the Secretary of State, dispose of a material interest in any land held by them, and may dispose of any other interest in land so held.

(3) The Authority may execute any building, engineering or other works in respect of any land where they are of the opinion that it is expedient to do so with a view to the subsequent disposal of that or any other land.

(4) The Authority may arrange for the discharge of any of their functions by a local authority, and all local authorities in Wales shall have power to enter into such arrangements.

Any arrangements made under this subsection for the discharge of any functions by a local authority shall not prevent the Authority from discharging those functions.

(5) As soon as practicable after the making of any arrangements under subsection (4) above for the discharge of any functions of the Authority by a local authority, the local authority shall—

(a) send a copy of the arrangements to every other local authority within whose area the functions are to be so discharged, and

(b) deposit a copy of the arrangements at their principal office and keep it available there at all reasonable hours for public inspection without payment.

(6) Where by virtue of subsection (4) above any functions of the Authority are to be discharged by a local authority, then, subject to the terms of the arrangements, section 101 of the Local Government Act 1972 (arrangements for discharge of functions by local authorities) shall apply as if those functions were functions of the local authority. 1972 c. 70.

(7) A local authority shall have power to enter into, and carry out, an agreement with the Authority whereby the local authority will, as agents of the Authority, perform any service or execute any works which the Authority could perform or execute by virtue of this Act.

(8) The Authority shall, without prejudice to their powers apart from this subsection, have power to do anything to facilitate, or anything which is conducive or incidental to, the performance of any of the Authority's functions.

PART II

- (9) Every local authority in Wales shall supply the Authority—
- (a) with such information as the Secretary of State may by regulations prescribe for the purposes of this section, and
 - (b) with such certificates supporting the information as the Secretary of State may in the regulations specify.

PART III

COMMUNITY LAND

*Acquisition and appropriation of land*Powers of
acquisition and
appropriation.

15.—(1) An authority—

- (a) shall have power to acquire by agreement, or
 - (b) on being authorised to do so by the Secretary of State shall have power to acquire compulsorily,
- any land which, in their opinion, is suitable for development.

(2) In subsection (1) above “development” does not include development of any class specified in Schedule 1 to this Act.

(3) Where an authority exercise their powers under subsection (1) above in relation to any land, they shall have power to acquire by agreement or on being authorised to do so by the Secretary of State shall have power to acquire compulsorily—

- (a) any land adjoining that land which is required for the purpose of executing works for facilitating its development or use, or
- (b) where that land forms part of a common or open space or fuel or field garden allotment, any land which is required for the purpose of being given in exchange therefor.

In the application of this subsection to Scotland the words “or fuel or field garden allotment” shall be omitted.

(4) The Acquisition of Land Acts shall apply in relation to the compulsory acquisition of land in pursuance of this section as if—

- (a) this section were contained in an Act in force immediately before the commencement of the Act of 1946, or as the case may be the Scottish Act of 1947,
 - (b) the Land Authority for Wales, a new town authority and the Peak Park Joint and Lake District Special Planning Boards were local authorities.
- (5) Schedule 4 to this Act in which—
- (a) Part I modifies the said Acts of 1946 and 1947 as applied by subsection (4) above,

- (b) Part II deals with the acquisition of land by agreement, PART III
 (c) Part III contains supplemental provisions as respects land acquired under this section,
 (d) Part IV deals with appropriation of land by local authorities,

shall have effect.

(6) No compulsory purchase order shall be made under this section before the first appointed day, and no land shall be appropriated for the purposes of this Part of this Act before that day.

16.—(1) There shall be a land acquisition and management scheme for the area of each county authority. Land acquisition and management schemes.

(2) The scheme shall be made, and from time to time revised, by all the authorities in the area of the county authority acting jointly.

(3) The scheme shall be for the performance by each of the authorities in the area of the county authority of the following functions—

- (a) the acquisition by those authorities of land with a view to—
 (i) developing it themselves and disposing of a material interest in it, or
 (ii) making it available for development by others,
 (b) any other functions under any of the provisions of this Act other than Part IV.

(4) The scheme shall be made not later than 31st December 1975, or such later date as the Secretary of State may agree in any particular case.

(5) As respects Scotland, the scheme shall be made not later than such date as the Secretary of State may by order specify.

(6) Schedule 5 to this Act concerns the making, revision and contents of the schemes, and in that Schedule this section is called the principal section.

(7) Except if and so far as the Secretary of State, on the application of all the authorities in the area of the county authority, otherwise directs, a scheme under this section shall not create any obligation enforceable in law.

(8) Any reference in this section or Schedule 5 to this Act to the functions of any authority shall, where the context admits, include references to functions under this or any other Act passed before this Act or later.

PART III

(9) In this section and in Schedule 5 to this Act—

“county authority” means the council of a county or the Greater London Council or, as respects Scotland, a regional planning authority or a general planning authority within the meaning of Part IX of the Local Government (Scotland) Act 1973,

1973 c. 65.

1972 c. 70.

“local government law” means the Local Government Act 1972, or the Local Government (Scotland) Act 1973,

“planning law” means the Act of 1971 or the Scottish Act of 1972,

and in this Act a scheme under this section is referred to as a “land acquisition and management scheme”.

(10) For the purposes of this section the Peak Park Joint Planning Board shall be regarded as an authority in the areas of Derbyshire, Greater Manchester, South Yorkshire, West Yorkshire, Staffordshire and Cheshire.

(11) In the application of this section and Schedule 5 to this Act to Scotland, in relation to a regional planning authority references to all the authorities in the area of that authority acting jointly shall be construed as references to that authority acting after consultation with all the other authorities in their area, and in relation to a general planning authority references which but for this subsection would be references to all the authorities in the area of that authority acting jointly shall be construed as references to the general planning authority acting alone.

(12) This section shall not apply in Wales, or in the Isles of Scilly.

Duties of authorities

General
duties.

17.—(1) In exercising their functions on or after the first appointed day every authority shall have regard to—

- (a) the desirability of bringing development land into public ownership, and of developing that land themselves or of making it available for development by others, and
- (b) the desirability of securing the proper planning of their area.

(2) In considering whether any land is development land, an authority shall have regard to—

- (a) the provisions of the development plan, so far as material,
- (b) whether planning permission for any relevant development on the land is in force or has been refused, and

- (c) any other considerations which, on an application for planning permission for any relevant development on the land, would be material for the purpose of determining that application.

(3) In considering whether any land in Wales is development land, the Land Authority for Wales shall (except in a case where planning permission is in force for the carrying out of relevant development on the land) consult the council of the county, and that of the district, whose area includes the land.

(4) Schedule 6 to this Act, which imposes further duties on authorities, shall have effect.

(5) In this section and in Schedule 6 to this Act "functions" means functions under this Act and functions concerning the acquisition, management or disposal of land—

- (a) in the case of a local authority, a new town authority or the Peak Park Joint or Lake District Special Planning Board, under the Act of 1971 or the Scottish Act of 1972,
- (b) in the case of a new town authority, under the New 1965 c. 59. Towns Act 1965 or the New Towns (Scotland) Act 1968 c. 16. 1968.

18.—(1) The Secretary of State may by order—

- (a) apply this section to all, or any part, of the area of a county authority, and
- (b) designate the descriptions of relevant development as respects which the order is to apply,

Comprehensive acquisition of development land.

and in this section "designated relevant development" means relevant development designated by such an order.

(2) Before making an order under subsection (1) above, the Secretary of State shall consult all the authorities whose areas include land to which the order applies.

(3) It shall be the duty of all the authorities whose areas include land to which the order applies to arrange between them for all outstanding material interests in land which is needed for the purposes of designated relevant development to be acquired by one of those authorities (including a local authority in Wales whose area includes the land).

(4) The authorities in acting under this section shall have regard to any relevant land acquisition and management scheme, and shall not be under any duty as respects—

- (a) land which is not needed for designated relevant development within ten years from the time at which they are acting, or

PART III

- (b) land which, by virtue of section 19(5) or section 20(2) of this Act, none of them have power to acquire compulsorily under this Part of this Act at the time at which they are acting, or
- (c) land a material interest in which has been disposed of by an authority (including a local authority in Wales whose area included the land), and in which immediately before the disposal there were no material interests outstanding, or
- (d) the operational land of statutory undertakers.

(5) The order shall designate an authority whose duty shall be to acquire all outstanding material interests in the land needed for the purposes of designated relevant development which are not acquired by any other authority (including a local authority in Wales whose area includes the land).

(6) In this Act the “relevant date”, in relation to any relevant development, means the date on which the order under this section designating that development comes into force.

(7) An order under this section—

- (a) shall not be made before the land acquisition and management scheme for the area of the county authority has been made;
- (b) shall not come into force before the first appointed day; and
- (c) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(8) Subsection (7)(a) above shall not apply in Wales, or in the Isles of Scilly.

(9) In this section “county authority” has the same meaning as in section 16 of this Act.

Planning permission for relevant development

Permission
before
relevant date:
applications
before first
appointed
day.

19.—(1) If an election is made under subsection (2) below, this section applies to planning permission for relevant development which is granted before the relevant date where—

- (a) the application was made before the first appointed day, and
- (b) the planning permission was granted after 12th September 1974.

(2) A person who—

- (a) owns a material interest in the whole of the land covered by the planning permission, and

- (b) as against every other owner (if any) of such an interest is entitled to possession of that land,

may make an election under this subsection by notice in the prescribed form served on any one of the authorities; and the authority on whom the notice is served shall as soon as practicable send a copy of the notice to each of the other authorities.

(3) In subsection (2) above "owner", in relation to a material interest in land, includes a person who has entered into a binding contract for its acquisition and "owns" shall be construed accordingly; and in the application of that subsection to Scotland "material interest" includes the interest of a crofter or landholder in his croft or holding.

(4) No notice of election shall be served under subsection (2) above at a time which is—

- (a) before the first appointed day, and
- (b) before the grant of planning permission.

(5) If at any time one of the authorities abandon their power to purchase the land (in the sense given by paragraph 1 of Schedule 7 to this Act), that authority shall not have power to acquire the land—

- (a) under this Part of this Act, or
- (b) under the Act of 1971 or the Scottish Act of 1972,

in pursuance of a compulsory purchase order made before the end of the period specified in that paragraph.

(6) Planning permission to which this section applies shall be suspended from the date of service of the notice of election until the end of the period prescribed by paragraph 2 of Schedule 7 to this Act.

20.—(1) This section applies to planning permission for relevant development which is granted before the relevant date in pursuance of an application made on or after the first appointed day.

Permission before relevant date: applications on or after first appointed day.

(2) Where—

- (a) planning permission is granted pursuant to the application, and
- (b) at any time an authority abandon their power to purchase the land (in the sense given by paragraph 1 of Schedule 7 to this Act),

that authority shall not have power to acquire the land under this Part of this Act, or under the Act of 1971 or the Scottish Act of 1972, in pursuance of a compulsory purchase order made before the end of the period specified in that paragraph.

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(3) Where planning permission to which this section applies is granted before the end of the period prescribed by paragraph 2 of Schedule 7 to this Act, it shall be suspended, when granted, until the end of that period.

Permission
granted on
or after
relevant date.

21.—(1) This section applies to planning permission for relevant development granted on or after the relevant date in pursuance of an application (whenever made).

(2) Planning permission to which this section applies shall be suspended except—

- (a) where there are no outstanding material interests in the land and the development covered by the permission is carried out by or on behalf of an authority, or
- (b) where subsection (3) or (4) below applies.

(3) This subsection applies where—

- (a) an authority make a compulsory purchase order as respects the land on which the relevant development covered by the permission will be carried out, and
- (b) the Secretary of State serves notice on the authority that he does not intend to confirm the order as respects that land, and
- (c) that notice contains a direction that this subsection shall apply.

(4) This subsection applies where—

- (a) a material interest in the land has been disposed of by an authority and immediately before the disposal there were no material interests outstanding, and
- (b) the authority have for the purposes of this section approved the carrying out of the development in accordance with the planning permission, and
- (c) the authority have issued a certificate in the prescribed form stating that they are satisfied that paragraphs (a) and (b) apply.

(5) If the material interest was disposed of by the authority before the first appointed day, subsection (4) above shall not apply unless the authority have approved the interest as being an interest appropriate for the purposes of this section (and the certificate states that it is so approved).

(6) The certificate shall be conclusive evidence of the facts stated in it.

(7) As soon as practicable after issuing the certificate, the authority shall send a copy of the certificate to every other authority whose area includes the land.

(8) Subsection (7) above shall not apply if and so far as an authority entitled to receipt of a copy otherwise direct. PART III

(9) In the application of this section to Wales "authority" includes a local authority whose area includes the land.

22.—(1) If relevant development covered by planning permission is carried out at a time when the planning permission is suspended under sections 19 to 21 above (in this section called "the previous sections"), the planning permission shall be disregarded in applying Part V of the Act of 1971 and Part V of the Scottish Act of 1972 (enforcement of control) to the development so carried out. Suspension of planning permission: supplemental.

(2) If relevant development covered by planning permission is carried out at a time when the planning permission is suspended under the previous sections, then, in determining for the purpose of compensation the value of the land as at any time after any of the development is so carried out, any value attributable to the development so carried out shall be ignored.

(3) Where any development is carried out without planning permission and planning permission covering that development is subsequently granted—

(a) under section 32 of the Act of 1971 or section 29 of the Scottish Act of 1972 (planning permission for retention of development already carried out), or

(b) (by the Secretary of State on appeal against an enforcement notice) under section 88 of the Act of 1971 or section 85 of the Scottish Act of 1972,

the development shall be treated for the purposes of subsection (2) above as carried out after the grant, and while the planning permission is suspended.

(4) Where planning permission is granted under section 32 or 88 of the Act of 1971 or section 29 or 85 of the Scottish Act of 1972, the person granting the permission may, if satisfied that it is reasonable in the circumstances, direct that subsection (2) above shall not apply to the development covered by the permission.

(5) Except as provided by subsection (2) above, the previous sections shall not affect compensation in respect of a compulsory purchase, or any other compensation which depends, directly or indirectly, on the value of land.

(6) Section 192(1) of the Act of 1971 and section 181(1) of the Scottish Act of 1972 (blight notices) shall have effect as if the land specified therein included land in respect of which planning permission for relevant development is suspended under the previous sections.

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(7) Any time limit imposed by a condition attached to planning permission which is suspended under the previous sections shall be extended for a period equal to the suspension.

(8) The previous sections shall not apply to planning permission granted in respect of—

- (a) land in which there are no material interests outstanding, or
- (b) land which is operational land of statutory undertakers, or would be such land if it were used or held by statutory undertakers for the purposes covered by the permission.

(9) It is hereby declared that references in the previous sections to planning permission granted on an application include planning permission treated as granted on an application deemed to have been made under section 88(7) of the Act of 1971, or section 85(7) of the Scottish Act of 1972.

Disposal notification areas

Disposal
notification
areas.

23.—(1) An authority may exercise the powers conferred by this section for the purpose of obtaining information about disposals of development land.

(2) An authority may pass a resolution declaring any land in their area to be a disposal notification area.

Before the Land Authority for Wales pass a resolution they shall consult each local authority whose area includes any part of the land covered by the resolution.

(3) The resolution shall specify a date as the effective date for the disposal notification area, and that date shall not be earlier than—

- (a) the end of the period of 3 months beginning with the passing of the resolution, or
- (b) the first appointed day.

(4) Part I of Schedule 8 to this Act shall apply after the passing of the resolution.

(5) A person who—

- (a) proposes to enter into a binding contract to dispose of a material interest in land in a disposal notification area, or
- (b) proposes to dispose of a material interest in land in a disposal notification area,

shall give notice to the authority in accordance with Part II of the said Schedule.

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(6) Subsection (5) above shall not apply—

- (a) to a disposal in performance of a contract for that disposal of which notice has been duly given under this section,
- (b) to a transaction carried out before the effective date specified in the resolution in accordance with subsection (3) above (but can apply to a disposal in performance of a contract before that date),
- (c) to a transaction which is not for valuable consideration,
- (d) to a disposal, or a contract for a disposal, to any authority or to the Crown;

and as respects any transaction to which Part III of Schedule 8 to this Act applies notice may, but need not, be given under subsection (5) above.

(7) The authority shall serve on a person who gives notice under subsection (5) above—

- (a) a written acknowledgment of receipt stating the date of receipt, and
- (b) not later than 4 weeks after that date of receipt, a counter-notice in the prescribed form stating whether or not the authority propose to purchase the land to which the notice relates or any part of that land.

Acknowledgment shall be as soon as practicable, and shall indicate that the counter-notice will follow.

(8) Section 192(1) of the Act of 1971 and section 181(1) of the Scottish Act of 1972 (blight notices) shall have effect as if the land specified therein included land which—

- (a) is land specified in a counter-notice served in accordance with paragraph (b) of subsection (7) above as land which an authority intend to purchase, or
- (b) is land as respects which an authority have failed to serve a counter-notice in accordance with that paragraph.

(9) A person who—

- (a) without reasonable excuse fails to comply with subsection (5) above, or
- (b) knowingly or recklessly furnishes a notice which is false in a material particular in purported compliance with subsection (5) above,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding £400, and on indictment to a fine.

(10) Failure to give notice under this section shall not invalidate the transaction of which notice should have been given.

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Revocation of
duty to
notify.

24.—(1) The authority who have passed a resolution declaring a disposal notification area may at any time pass a further resolution declaring that all or part of a disposal notification area is no longer to be such an area.

(2) Before the Land Authority for Wales pass such a resolution they shall consult each local authority whose area includes any part of the land covered by the resolution.

(3) Part IV of Schedule 8 to this Act shall apply after the passing of the resolution.

Land compensation

Assumptions
as to
planning
permission
on or after
second
appointed
day.

25.—(1) This section shall apply—

(a) to compensation in respect of every compulsory acquisition of an interest in land (whether under this or any other enactment) in pursuance of a notice to treat served on a date on or after the second appointed day, and

(b) in any other case where compensation is payable pursuant to any provision contained in or made under any enactment and the amount of the compensation depends, directly or indirectly, on the value of any interest in land as at a date on or after the second appointed day.

(2) For the purpose of assessing the compensation it shall be assumed—

(a) subject to subsections (3), (5) and (6) below, that planning permission would not be granted for any development either on the land or on any other land, and

(b) subject to subsection (6) below, that any planning permission which is suspended at the time as at which compensation is to be assessed has not been granted (but that assumption shall not be made as respects any other planning permission which may be in force at that time).

(3) The assumption in subsection (2)(a) above shall not be made as respects development of any class specified in paragraph 1 of Schedule 1 to this Act or in Schedule 8 to the Act of 1971 or Schedule 6 to the Scottish Act of 1972 (development which is not new development.)

(4) For the purposes of subsections (2)(a) and (3) above no account shall be taken of—

(a) any change, effected by an order under section 22 of the Act of 1971 or section 19 of the Scottish

Act of 1972, in the uses of land not involving development, or

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- (b) any change, effected by the making, variation or revocation of a general development order, in the kinds of development falling within paragraph 1 of Schedule 1 to this Act,

being (in either case) a change effected on or after the second appointed day or, if the interest in land is being compulsorily acquired and notice of the making or preparation in draft of the compulsory purchase order was first published before that day, on or after the day on which it was so published.

(5) Where during the whole of the period of seven years immediately preceding the date as at which compensation is to be assessed—

- (a) the interest in land has been owned by a charity (but not necessarily the same charity throughout), and
(b) the land (as distinct from the rents and profits thereof) has not been used otherwise than wholly or mainly for charitable purposes,

then, for the purposes of assessing the compensation it shall be assumed, subject to subsection (6) below, that planning permission would be granted for any development by virtue of which the use of the land would be made to correspond with the use which prevails in the case of contiguous or adjacent land.

(6) The assumptions in subsections (2) and (5) above shall not be made where—

- (a) during the whole of the period beginning with 12th September 1974 and ending with the date mentioned in subsection (1)(a) or (b) above, the interest in land has been owned by a charity (but not necessarily the same charity throughout), and
(b) that period is a period of not more than eleven years.

(7) For the purposes of subsections (5) and (6) above the interest in land shall be treated as owned by a charity at any time if, at that time, the charity—

- (a) has or had entered into a binding contract for its acquisition, or
(b) subject only to completion of the administration of a deceased person's estate, is or was entitled to it under the terms of the deceased person's will.

(8) The provisions of this section have effect notwithstanding anything in any other enactment.

(9) Without prejudice to the generality of subsection (8) above, subsection (2)(a) above has effect notwithstanding anything

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1961 c. 33.
1963 c. 51.

in sections 14 to 16 and Part III of the Land Compensation Act 1961 or sections 22 to 24 and Part IV of the Land Compensation (Scotland) Act 1963.

(10) The provisions of this section shall not apply if, apart from this section, the amount of the compensation would be less than if this section applied.

Compensation
payable in
transactions
between
certain
authorities.

26.—(1) This section shall apply to any compulsory acquisition of an interest in land where—

- (a) notice to treat was served on or after the first appointed day ;
- (b) the person from whom the interest is being acquired is a body mentioned in subsection (2) below or a body specified in an order made under this paragraph by the Secretary of State ;
- (c) the person acquiring the interest is a Minister, a body mentioned in subsection (2) below or a body specified in an order made under this paragraph by the Secretary of State.

(2) The bodies referred to in subsection (1) above are local and new town authorities, the Land Authority for Wales, the Peak Park Joint and Lake District Special Planning Boards, and joint boards established under section 2 of this Act.

(3) For the purpose of assessing compensation in respect of a compulsory acquisition to which this section applies, section 5 of the Land Compensation Act 1961 and section 12 of the Land Compensation (Scotland) Act 1963 (rules for assessing compensation) shall have effect subject to such modifications as the Secretary of State considers it expedient to make by order under this subsection.

(4) An order under this section—

- (a) shall not be made without the consent of the Treasury, and
- (b) shall not be made unless a draft of the order has been approved by a resolution of each House of Parliament.

Financial
hardship
tribunals.

27.—(1) The Secretary of State may, for the purpose of enabling cases of hardship to be considered under this section, make regulations—

- (a) constituting one or more tribunals with the duty of discharging such functions as may be specified in the regulations, or
- (b) conferring on one or more existing bodies or groups of bodies the duty of discharging such functions as may be so specified.

Any tribunal so constituted and any existing body on which functions are so conferred is, in the following provisions of this section, referred to as a "financial hardship tribunal".

(2) Where a financial hardship tribunal is constituted under this section regulations under this section may provide—

- (a) for the membership and chairing of the tribunal,
- (b) for regulating the appointment, tenure of office and vacation of office of members, and
- (c) for the remuneration, pensions, gratuities and allowances of members, officers and servants.

(3) The regulations shall provide that appointments are made by the Secretary of State, and that remuneration, pensions, gratuities or allowances are determined by him, subject to the approval of the Minister for the Civil Service.

(4) Where any person claims that he has suffered financial hardship as a result of any alteration made by section 25 of this Act in the amount of any compensation payable to him, or for his benefit, he may apply to a financial hardship tribunal in accordance with the provisions of the said regulations, for the award of an additional payment.

(5) Where a person has applied to a financial hardship tribunal under this section, the tribunal shall consider all the circumstances of the case and, if it is satisfied—

(a) that the claim is justified, and

(b) that an additional payment ought to be made to him, the tribunal shall make an order specifying the amount of the payment which, in its opinion, ought to be made.

(6) Where a financial hardship tribunal makes an order under subsection (5) above, the amount specified in the order shall be paid by the person who is also liable for the compensation to the person who is entitled to receive the compensation.

(7) The amount so specified shall be due 3 months after service by the person to whom or for whose benefit the compensation is payable of a copy of the order on the person by whom it is to be paid, and shall carry interest from the date when it is due at the rate prescribed under section 32 of the Land Compensation Act 1961 or section 40 of the Land Compensation (Scotland) Act 1963. 1961 c. 33. 1963 c. 51.

(8) Regulations under this section may—

(a) provide for the procedure of financial hardship tribunals;

(b) make such provision as may be expedient for ensuring that in appropriate cases persons applying to financial

PART III

1961 c. 33.
1963 c. 51.

hardship tribunals under this section may, notwithstanding anything in section 25 above or in the Land Compensation Act 1961 or the Land Compensation (Scotland) Act 1963, obtain certificates of appropriate alternative development under Part III of the said Act of 1961 or Part IV of the said Act of 1963, for the purposes of their applications;

- (c) make such provision as may be expedient for dealing with the cases of deceased persons who, if they had survived, would or might have been entitled to additional payments under this section;
- (d) prescribe the criteria by reference to which a financial hardship tribunal is to decide questions arising in relation to any application under this section.

(9) The maximum amount which a financial hardship tribunal may order to be paid as respects any one claim shall not exceed £50,000, or such higher amount as may be prescribed by regulations under this section with the approval of the Treasury.

(10) Regulations under this section—

- (a) which establish a financial hardship tribunal,
- (b) which confer on a body the functions of a financial hardship tribunal, or
- (c) which prescribe the criteria by reference to which a financial hardship tribunal is to decide questions arising in relation to any application under this section,

shall not be made unless a draft of the regulations has been approved by a resolution of each House of Parliament.

(11) Regulations under this section which do not require to be approved in draft by a resolution of each House of Parliament shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(12) This section applies to compensation payable by a government department as it applies to compensation payable by any other person, and any amount due from a government department pursuant to an order of a financial hardship tribunal shall be paid out of money provided by Parliament.

(13) The expenses of a financial hardship tribunal so far as attributable to the provisions of this section, shall be defrayed by the Secretary of State out of money provided by Parliament.

1975 c. 24.

(14) In Part II of Schedule 1 to the House of Commons Disqualification Act 1975 (bodies of which all members are disqualified) there shall be inserted at the appropriate place in alphabetical order the entry:

“ A Financial Hardship Tribunal within the meaning of section 27(1) of the Community Land Act 1975.”

This subsection shall extend to Northern Ireland.

PART IV

PART IV

UNOCCUPIED OFFICE PREMISES

Powers of acquisition

28.—(1) Where any building which consists of or comprises office accommodation occupying more than 5,000 square metres of floor space (in this Part of this Act referred to as an “office building”) has been erected, whether before or after the passing of this Act, on any land, this section applies to that land and any other land used or intended for use for the purposes of the building.

Power to acquire unoccupied office premises.

(2) If the Secretary of State is satisfied as respects any office building that—

(a) at least 75 per cent. of the office accommodation (calculated by reference to the area of floor space it occupies) has remained unoccupied for the whole of the period mentioned in subsection (3) below, and

(b) that period is a period of not less than two years,

he may acquire the land to which this section applies either by agreement or, subject to subsection (4) below, compulsorily.

(3) The period referred to in subsection (2) above is such period as—

(a) begins with the completion date, and

(b) ends with the date on which the Secretary of State enters into a binding contract to purchase the land or, as the case may be, first publishes a notice stating that a compulsory purchase order for its acquisition has been prepared in draft.

(4) The Secretary of State shall not acquire compulsorily under subsection (2) above—

(a) the interest of any person who, in right of that interest, is occupying any part of the office building and is effectively using it for the purpose for which planning permission was given, or

(b) any interest in the land to which this section applies, if he is satisfied that the person entitled to possession of the unoccupied office accommodation has tried his best to let it.

(5) In determining for the purposes of subsection (4)(b) above whether the person entitled to possession of the unoccupied office accommodation has tried his best to let it, the Secretary of State shall have regard to the following, as well as other relevant factors—

(a) the rent sought, compared with rents of similar accommodation in the area,

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- (b) the other covenants and conditions required by that person to be contained in any proposed lease,
- (c) whether or not that person indicated to prospective lessees that he was prepared to let the accommodation in parts,
- (d) the number and resources of the firms of estate agents retained for the purpose of letting the accommodation, and
- (e) the nature and extent of advertising of the accommodation by that person or those agents.

(6) In this section “floor space” means gross floor space, and the amount of any such space shall be ascertained by external measurement of that space whether the office accommodation in question is or is not bounded (wholly or partly) by external walls of the office building.

(7) In this Part of this Act “erection”, in relation to an office building, includes conversion into such a building by extension, alteration or re-erection, and “erected” shall be construed accordingly.

(8) In this section and in section 29 of this Act “completion date”, in relation to an office building, means the date on which—

- (a) where the office building consists only of office accommodation, the erection of the building, or
- (b) where it also comprises other accommodation, the erection of such part of it as consists of office accommodation,

was completed.

(9) No notice stating that a compulsory purchase order under this section has been prepared in draft shall be published before the expiration of a period of one month beginning with the passing of this Act.

Amount of compensation payable on compulsory acquisition under s. 28

29.—(1) Where there is compulsorily acquired under section 28 of this Act an unincumbered freehold interest in the whole of any land to which that section applies, the amount of compensation payable as respects the value of that interest shall be the value of the interest assessed by reference to prices current on the completion date.

(2) Where there is compulsorily acquired under section 28 of this Act any other interest in the whole, or any interest in part, of any land to which that section applies, then, subject to subsec-

tion (3) below, the amount of compensation payable as respects the value of that interest shall be determined by the formula— PART IV

$$C = \frac{I}{A} \times F$$

where—

C is the amount of compensation payable,

I is the value of the interest in question assessed by reference to prices current on the material date,

A is the aggregate value of that interest and all other interests which subsist in the whole or any part of the land on the date on which the notice to treat is served assessed by reference to prices current on the material date, and

F is the value of an unincumbered freehold interest in the whole of the land assessed by reference to prices current on the completion date.

(3) Where the interest of a mortgagee is compulsorily acquired under section 28 of this Act, subsection (2) above shall not affect the amount payable to the mortgagee under sections 14 to 17 of the Compulsory Purchase Act 1965 or sections 99 to 106 of the Lands Clauses Consolidation (Scotland) Act 1845, except in so far as it reduces the amount of compensation payable as respects the value of the mortgaged interest. 1965 c. 56.
1845 c. 19.

(4) In this section—

“assessed” means assessed in accordance with the provisions of the Land Compensation Act 1961 or the Land Compensation (Scotland) Act 1963, 1961 c. 33.
1963 c. 51.

“land obligations” has the meaning given by section 1(2) of the Conveyancing and Feudal Reform (Scotland) Act 1970, 1970 c. 35.

“material date”, in relation to the compulsory acquisition of any interest, means the date on which the Secretary of State takes possession of that interest or the date on which the amount of compensation is determined, whichever is the earlier, and

“unincumbered”, in relation to a freehold interest, means subject to any easements, restrictive covenants or land obligations affecting the interest on the material date but otherwise free from incumbrances.

(5) The provisions of this section shall not apply if, apart from this section, the amount of the compensation would be less than if this section applied.

(6) Nothing in this section shall affect the assessment of compensation for disturbance, severance, injurious affection

PART IV

or any other matter not directly based on the value of an interest which is compulsorily acquired.

Additional powers of acquisition.

30.—(1) If the Secretary of State is satisfied that, in order to facilitate the disposal of any land which he has acquired or proposes to acquire under section 28 of this Act, it is necessary to acquire any other land, he may acquire that other land either by agreement or compulsorily.

(2) No notice stating that a compulsory purchase order under this section has been prepared in draft shall be published before the expiration of a period of one month beginning with the passing of this Act.

Application of Acquisition of Land Acts, etc.

31.—(1) The Acquisition of Land Acts shall apply, as modified by subsection (2) below, to the compulsory acquisition of land under this Part of this Act as they apply to the compulsory acquisition of land in a case falling within section 1(1)(b) of the Act of 1946, or as the case may be the Scottish Act of 1947.

(2) So much of Schedule 1 to or of any regulations made under the Act of 1946, or as the case may be the Scottish Act of 1947, as requires a notice relating to a compulsory purchase order, or the order itself, to specify the purpose for which the land is required, or for which it is authorised to be compulsorily purchased, shall not have effect in relation to the compulsory acquisition of land under section 28 of this Act.

1965 c. 56.

(3) The provisions of Part I of the Compulsory Purchase Act 1965 (so far as applicable), other than section 31, shall apply in relation to the acquisition of land by agreement under this Part of this Act; and in the said Part I as so applied “land” has the meaning given by section 6(1) of this Act.

1845 c. 19.

1845 c. 33.

1923 c. 20.

(4) For the purpose of the acquisition by agreement of land in Scotland by the Secretary of State under this Part of this Act, the Lands Clauses Acts (except the provisions relating to the purchase of land otherwise than by agreement and the provisions relating to access to the special Act, and except sections 120 to 125 of the Lands Clauses Consolidation (Scotland) Act 1845) and sections 6 and 70 of the Railways Clauses Consolidation (Scotland) Act 1845 and sections 71 to 78 of that Act, as originally enacted and not as amended for certain purposes by section 15 of the Mines (Working Facilities and Support) Act 1923, shall be incorporated with this Part of this Act, and in construing those Acts for the purposes of this Part of this Act, this Part of this Act shall be deemed to be the special Act and the Secretary of State to be the promoter of the undertaking or company, as the case may require; and in those Acts as so incorporated “land” shall have the meaning given by section 6(1) of this Act.

Supplemental provisions

PART IV

32.—(1) The Secretary of State shall be entitled to assume for the purposes of this Part of this Act that any office building or part of an office building as respects which the person for the time being entitled to possession was rated under Schedule 1 to the General Rate Act 1967 or section 24 of the Local Government (Scotland) Act 1966 (rating of unoccupied property) for any period remained unoccupied from the beginning of that period until—

Assumptions
as to
occupation.

1967 c. 9.

1966 c. 51.

(a) the date (if any) on which notice was given to the rating authority that it had become occupied, or

(b) the end of the period,

whichever is the earlier.

(2) The Secretary of State shall also be entitled to assume for the purposes of this Part that any office building or part of an office building which—

(a) was unoccupied,

(b) became occupied on any date, and

(c) became unoccupied again on the expiration of a period of less than six months beginning with that date,

remained unoccupied on that date and during that period.

33.—(1) Where the erection of any office building has been treated for the purposes of Schedule 1 to the General Rate Act 1967 or Schedule 3 to the Local Government (Scotland) Act 1966 (rating of unoccupied property) as completed on any date, then, unless the Secretary of State serves a completion notice under subsection (2) below, it shall be deemed to have been completed on that date for the purposes of this Part of this Act.

Determination
of date of
completion.

(2) The Secretary of State may serve on every person entitled to possession of any part of an office building a notice (in this section referred to as a “completion notice”) stating that the erection of the building is to be deemed for the purposes of this Part to have been completed on such date as may be specified in the notice.

(3) The date specified in a completion notice shall be earlier than any date on which, by virtue of subsection (1) above, the erection of the building to which the notice relates would, but for the notice, be deemed to have been completed for the purposes of this Part.

(4) If every person on whom a completion notice is served agrees in writing with the Secretary of State that the erection of the building to which the notice relates shall be deemed for the purposes of this Part to have been completed on a date specified

PART IV

by the agreement, it shall be deemed for those purposes to have been completed on that date and the notice shall be deemed to be withdrawn.

(5) The Secretary of State may withdraw a completion notice by a subsequent notice served on every person on whom the completion notice was served ; and a notice under this subsection may be served—

- (a) at any time before an appeal in pursuance of subsection (6) below is brought against the completion notice ; and
- (b) with the agreement of every person on whom the completion notice was served, at any time thereafter and before the appeal is determined.

(6) A person on whom a completion notice is served may, during the period of 21 days beginning with the date of service of the notice, appeal to the county court, or in Scotland to the sheriff, against the notice on the ground that the erection of the building to which the notice relates was not completed by the date specified in the notice.

(7) If a completion notice served in respect of a building is not withdrawn and no appeal in pursuance of subsection (6) above is brought against the notice or such an appeal is abandoned or dismissed, the erection of the building shall be deemed for the purposes of this Part to have been completed on the date specified in the notice ; and if the notice is not withdrawn and such an appeal is brought and is not abandoned or dismissed, the erection of the building shall be deemed for those purposes to have been completed on such date as the court shall determine.

(8) Where at any time the only work which remained to be done to a building to which a completion notice relates was work of a kind which was customarily done to a building of the type in question after its erection had been substantially completed, it shall be assumed for the purposes of this section that the erection of the building was completed at the expiration of such period beginning with the date of its completion apart from the work as was reasonably required for carrying out the work.

(9) In this section, unless the context otherwise requires, references to an office building include references to part of such a building.

Power to
obtain
information.

34.—(1) The Secretary of State may for the purposes of this Part of this Act by notice require—

- (a) any person appearing to the Secretary of State to have an interest in the whole or part of any office building,
or

- (b) any person claiming possession of the whole or part of any such building, or
- (c) any person who receives rent in respect of the whole or part of any such building, or
- (d) any person who manages the whole or part of any such building as agent or otherwise,

to give such information as may be specified or described in the notice.

(2) The information which may be so specified or described is—

- (a) the nature of the interest in the building belonging to the person to whom the notice is addressed (if any),
- (b) the name and address of any other person known to him as having an interest in the building, and
- (c) any other information which may reasonably be demanded from him for the purposes of this Part.

(3) A notice under this section shall specify the time, not being less than 14 days from service of the notice, within which it is to be complied with, and may specify the way in which it is to be complied with.

(4) A notice under this section may (in addition to or instead of asking for information) require the person to whom the notice is addressed—

- (a) to state whether he has in his possession or control any document which constitutes, or is evidence of, any lease or other disposition of, or of an interest in, the building, and
- (b) to produce to an officer of the Secretary of State, being an officer duly authorised for the purpose, any such document which is in his possession or control,

and such a notice may require that the officer of the Secretary of State be permitted to make extracts from, or take copies of, the document.

(5) Nothing in this section shall be taken to require a person who has acted as solicitor for any person to disclose any privileged communication made to him in that capacity.

(6) A person who—

- (a) refuses or without reasonable excuse fails to comply with a notice under this section, or
- (b) in furnishing any information in compliance with a notice under this section, makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, or

PART IV

- (c) with intent to deceive, produces in compliance with a notice under this section a document which is false in a material particular,

shall be liable—

- (i) on summary conviction to a fine not exceeding £400, and
- (ii) on conviction on indictment, to a fine or imprisonment for a term not exceeding two years or both.

Powers of entry.

35.—(1) For the purposes of this Part of this Act a person duly authorised in writing by the Secretary of State may at any reasonable time enter any office building, or any building which he reasonably believes to be an office building, for the purpose of examining and surveying it.

(2) A person authorised under this section to enter any building shall, if so required, produce evidence of his authority before so entering, and shall not demand admission as of right to any building unless seven days' notice of the intended entry has been given to the occupier of the building.

(3) A person who wilfully obstructs a person acting in exercise of his powers under this section shall be liable on summary conviction to a fine not exceeding £100.

Service of notices.

36.—(1) Subject to subsection (2) below, any notice authorised to be served under this Part of this Act may be served either—

- (a) by delivering it to the person on whom it is to be served ; or
- (b) by leaving it at the usual or last known place of abode of that person ; or
- (c) by sending it in a prepaid registered letter, or by recorded delivery service, addressed to that person at his usual or last known place of abode ; or
- (d) in the case of an incorporated company or body, by delivering to the secretary or clerk of the company or body at their registered or principal office, or by sending it in a prepaid registered letter or by the recorded delivery service, addressed to the secretary or clerk of the company or body at that office.

(2) Where the notice is authorised to be served on any person as having an interest in or being entitled to possession of the whole or part of any office building, and the name or address of that person cannot be ascertained after a reasonable inquiry, the notice shall be taken to be duly served if—

- (a) being addressed to him either by name or by description of “the owner” or “the person entitled to pos-

session", as the case may be, of the building or the part of the building (describing it) it is delivered or sent in the manner specified in subsection (1)(a), (b) or (c) above, or

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- (b) being so addressed, and marked in such manner as the Secretary of State may think fit for securing that it shall be plainly identifiable as a communication of importance, it is sent to the building in a prepaid registered letter or by the recorded delivery service and is not returned to the Secretary of State, or is delivered to some person in the building, or is affixed conspicuously to some object forming part of the building.

PART V

MISCELLANEOUS

Acquisition and disposal of land by the Crown

37.—(1) Where, in exercise of the power conferred by section 2 of the Commissioners of Works Act 1852, section 113 of the Act of 1971 or section 103 of the Scottish Act of 1972 (acquisition of land necessary for the public service) the Secretary of State has acquired, or proposes to acquire, any land (the "public service land") and in his opinion other land ought to be acquired together with the public service land—

Acquisition
and disposal
of land by
the Crown.
1852 c. 28.

- (a) in the interests of the proper planning of the area concerned ; or
- (b) for the purpose of ensuring that the public service land can be used, or developed and used, (together with that other land) in what appears to the Secretary of State to be the best, or most economic, way ; or
- (c) where the public service land or any land acquired, or which the Secretary of State proposes to acquire, by virtue of paragraph (a) or (b) above, forms part of a common or open space or fuel or field garden allotment, for the purpose of being given in exchange therefor,

the said section 2 and 113, or as the case may be 103, shall apply to that other land as if its acquisition were necessary for the public service.

In the application of this subsection to Scotland the words "or fuel or field garden allotment" shall be omitted.

(2) The said section 2, 113 and 103 shall be construed and have effect as if references to land necessary for the public

PART V

service included land which it is proposed to use not only for the public service but also—

- (a) to meet the interests of proper planning of the area, or
- (b) to secure the best, or most economic, development or use of the land,

for other purposes.

(3) The said sections 2, 113 and 103 shall be construed and have effect as if references to the public service included the service in the United Kingdom—

- (a) of any international organisation or institution of which the United Kingdom, or Her Majesty's Government in the United Kingdom, is, or is to become, a member ;
- (b) of any office or agency established by such an organisation or institution or for its purposes, or established in pursuance of a treaty to which the United Kingdom is, or is to become, a party ;

and for the purposes of paragraph (b) above "treaty" includes any international agreement, and any protocol or annex to a treaty or international agreement.

(4) Where the Secretary of State proposes to dispose of any of his land and is of the opinion that it is necessary, in order to facilitate that disposal, to acquire adjoining land then, notwithstanding that the acquisition of that adjoining land is not necessary for the public service, the said section 2 shall apply as if it were necessary for the public service.

(5) Where the Secretary of State is authorised by the said section 2 to acquire land by agreement for a particular purpose, he may acquire that land notwithstanding that it is not immediately required for that purpose ; and any land acquired by virtue of this subsection may, until required for the purpose for which it was acquired, be used for such purpose as the Secretary of State may determine.

(6) The Secretary of State may dispose of land held by him and acquired by him or any other Minister under—

- (a) the said section 2, 113 or 103, or
- (b) Part IV of this Act,

to such person, in such manner and subject to such conditions as may appear to the Secretary of State to be expedient, and in particular may under this subsection dispose of land held by him for any purpose in order to secure the use of the land for that purpose.

(7) This section shall come into force at the expiration of a period of one month beginning with the passing of this Act.

(8) Any expenditure of the Secretary of State attributable to this section shall be paid out of money provided by Parliament.

PART V

38.—(1) The provisions of the law of Northern Ireland mentioned below (acquisition of land necessary for the public service) shall be construed and have effect as if references to the public service included the service in the United Kingdom—

Acquisition of land by Crown in Northern Ireland.

- (a) of any international organisation or institution of which the United Kingdom, or Her Majesty's Government in the United Kingdom, is, or is to become, a member ;
- (b) of any office or agency established by such an organisation or institution or for its purposes, or established in pursuance of a treaty to which the United Kingdom is, or is to become, a party ;

and for the purposes of paragraph (b) above "treaty" includes any international agreement, and any protocol or annex to a treaty or international agreement.

(2) The said provisions are section 5 of the Stormont Regulation and Government Property Act (Northern Ireland) 1933 and Article 65 of the Land Acquisition and Compensation (Northern Ireland) Order 1973.

1933 c. 6 (N.I.).
1973 No. 1896 (N.I. 21).

(3) This section extends to Northern Ireland only.

(4) This section shall come into force at the expiration of a period of one month beginning with the passing of this Act.

Crown land

39.—(1) Notwithstanding the Crown or Duchy interest—

Application of Act to Crown land.

- (a) a private interest in Crown land may, with the consent in writing of the appropriate authority, be acquired compulsorily under section 15 of this Act, and
- (b) sections 23 and 45 of this Act apply to a material interest in Crown land which is a private interest as they apply to a material interest in land which is not Crown land.

(2) In this section "Crown land" means land in which there is a Crown interest or a Duchy interest, and—

- (a) "Crown interest" means an interest belonging to Her Majesty in right of the Crown, or belonging to a government department, or held in trust for Her Majesty for the purposes of a government department,
- (b) "Duchy interest" means an interest belonging to Her Majesty in right of the Duchy of Lancaster, or belonging to the Duchy of Cornwall,

PART V

(c) "private interest" means an interest which is not a Crown interest or a Duchy interest,

and "appropriate authority" in relation to Crown land shall be determined in accordance with section 266(7) of the Act of 1971, or section 253(7) of the Scottish Act of 1972.

Grants to authorities who buy or rent Crown land.

40.—(1) This section applies where any interest in land is acquired from the Crown on or after the first appointed day—

(a) by a local or new town authority, the Land Authority for Wales, the Peak Park Joint or Lake District Special Planning Board, or a joint board established under section 2 of this Act, or

(b) by a body specified in an order made under this subsection by the Secretary of State with the consent of the Treasury.

An order under this subsection shall not be made unless a draft of the order has been approved by a resolution of the Commons House of Parliament.

(2) If the Secretary of State with the approval of the Treasury considers it appropriate, he may make to the body concerned a grant of such amount as may be approved by the Treasury having regard to the purchase price, rent or other payments made by the body to the Crown in respect of the interest.

(3) Any grant under this section shall be paid out of money provided by Parliament.

Compulsory acquisition from authorities or statutory undertakers

Exclusion of special parliamentary procedure.

41.—(1) The Acquisition of Land Acts shall apply to any compulsory acquisition of an interest in land where—

(a) the notice of the making or preparation in draft of a compulsory purchase order is first duly published on or after the first appointed day, and

(b) the person acquiring the interest is a local or new town authority, the Land Authority for Wales, the Peak Park Joint or Lake District Special Planning Board, a joint board established under section 2 of this Act, any statutory undertakers or a Minister,

subject to the modification made by this section.

(2) Paragraph 9 of Schedule 1 to the Act of 1946 or, as the case may be, the Scottish Act of 1947 (special parliamentary procedure for acquisitions from local authorities, statutory undertakers and National Trust) shall not apply to the acquisition except where the interest belongs to the National Trust or the National Trust for Scotland.

Land transactions by authorities

PART V

42.—(1) In the Local Government Act 1972 after section 123 there shall be inserted the following section—

“Consent for disposals of land by principal councils.

Consent for disposals.
1972 c. 70.

123A.—(1) Except with the consent of the Secretary of State, a principal council shall not dispose of a material interest in any land.

(2) This section has effect notwithstanding section 123 above, and notwithstanding any other provision of this or any other Act, whenever passed.

(3) This section shall not apply to a disposal in pursuance of a contract entered into by the principal council before the coming into force of this section.

(4) In this section “material interest” means—

(a) the freehold, or

(b) a lease (granted or assigned) the unexpired term of which at the relevant time is not less than seven years.

For the purposes of this subsection it shall be assumed that any option (other than one conferred by or under Act of Parliament) to renew or extend the lease, whether or not forming part of a series of options, is exercised, and that any option (other than one conferred by or under Act of Parliament) to terminate the lease is not exercised.”

(2) In the Local Government (Scotland) Act 1973, after section 1973 c. 65. 74 there shall be inserted the following section—

“Consent for disposals of land.

74A.—(1) Except with the consent of the Secretary of State, a local authority shall not dispose of a material interest in land.

(2) This section has effect notwithstanding section 74 above, and notwithstanding any other provision of this or any other Act, whenever passed.

(3) This section shall not apply to a disposal in pursuance of a contract entered into by a local authority before the coming into force of this section.

(4) In this section “material interest” means—

(a) the estate or interest of the proprietor of the *dominium utile* or in the case of land not held on feudal tenure the interest in the land of the owner thereof, or

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- (b) a lease (granted or assigned) the unexpired term of which at the relevant time is not less than seven years.

For the purposes of this subsection it shall be assumed that any option (other than one conferred by or under Act of Parliament) to renew or extend the lease, whether or not forming part of a series of options, is exercised, and that any option (other than one conferred by or under Act of Parliament) to terminate the lease is not exercised."

- (3) This section shall come into force on the first appointed day.

Accounts and records.

43.—(1) Every authority shall—

- (a) keep such accounts and records, and
(b) prepare and submit to the Secretary of State such statements of account,

relating to the acquisition, holding and disposal of land as the Secretary of State may with the approval of the Treasury direct.

- (2) Directions under subsection (1) above may in particular relate to—

- (a) the items which are or are not to be included in the accounts, and the kinds of transactions which are to be recorded, and
(b) the form and manner in which the statements of accounts are to be prepared and the times at which they are to be submitted to the Secretary of State.

- (3) Money to be credited to an account kept under this section shall not be applied by the authority for any purpose without the consent of the Secretary of State.

- (4) Where any item debited to an account kept under this section has been defrayed by borrowing, the authority shall not be required, notwithstanding anything in Schedule 13 to the Local Government Act 1972 or Schedule 3 to the Local Government (Scotland) Act 1975 or in any other enactment, to make any annual provision for the repayment of the capital.

- (5) Every authority shall supply the Secretary of State—

- (a) with such information as the Secretary of State may specify to enable him to ascertain the state of any account or record kept, or to verify any statement of account submitted to him, under this section, and
(b) with such certificates supporting the information as the Secretary of State may specify.

(6) The Secretary of State may publish in such manner as appears to him appropriate— PART V

(a) statements of account submitted to him under this section, and

(b) any information obtained by him under subsection (5) above.

(7) In relation to Wales "authority" in this and the next section includes a local authority.

44.—(1) The Secretary of State may, with the approval of the Community Treasury and after consulting such associations of authorities as appear to him to be concerned, direct that any statement of land surplus account which—

(a) is submitted to him under the last preceding section for any financial year, and

(b) is of a kind specified in the direction.

shall be a community land surplus account.

(2) So much of any surplus in a community land surplus account as the Secretary of State with the approval of the Treasury directs shall be paid by the authority to the Secretary of State.

(3) Subject to subsection (4) below, the remainder of the surplus (if any) shall be applied by the authority—

(a) for any purpose for which capital money may be properly applied, or

(b) for meeting any liability under a land acquisition and management scheme,

or in both those ways.

(4) The application of money in accordance with subsection (3)(a) above by an authority other than a new town authority or the Land Authority for Wales shall, subject to section 27 of the Town and Country Planning Act 1959 (which, in England and Wales, authorises the application of capital money in certain cases without consent), be effected only with the consent of the Secretary of State. 1959 c. 53.

(5) The Secretary of State may, out of sums received by him under subsection (2) above, with the approval of the Treasury and after consulting such associations of authorities as appear to him to be concerned, pay such amounts to such authorities as he considers expedient.

(6) The Secretary of State shall for each financial year prepare, in such form and manner as the Treasury may approve, an account of—

(a) sums received by him under this section and paid out under subsection (5),

(b) the remaining sums received by him under this section.

PART V

(7) The Secretary of State shall, on or before 30th November in any year, transmit to the Comptroller and Auditor General the said account for the financial year last ended.

(8) The Comptroller and Auditor General shall examine and certify the account submitted to him, and lay copies of it together with his report before each House of Parliament.

Disposal
of land at
direction
of Secretary
of State.

45.—(1) The Secretary of State may direct a local authority or the Peak Park Joint or Lake District Special Planning Board to dispose of a material interest in any land which is for the time being entered in an account kept by them under section 43 of this Act, in such manner, and subject to such terms and conditions, as may be specified in the direction.

(2) Where a direction is given under this section for the disposal of a material interest in any land—

(a) section 21 of this Act shall not apply to any planning permission in respect of that land which is specified in the direction, and

(b) sections 20 and 21 of this Act shall not apply to any planning permission in respect of that land which is subsequently granted by the Secretary of State.

(3) Before giving a direction to an authority under this section, the Secretary of State shall consult the authority.

(4) No direction shall be given under this section before the first appointed day.

Register of
land holdings.

46.—(1) The Secretary of State may by regulations provide for the keeping of registers by authorities recording their acquisitions, holdings and disposals of land.

(2) Regulations under this section may prescribe—

(a) the kinds of land and the kinds of transactions to be registered,

(b) the form of the registers, and the particulars to be contained in them,

(c) the circumstances in which, and conditions subject to which, the registers are to be open to public inspection.

(3) In the application of this section to Wales “authorities” include local authorities.

Certification of appropriate alternative development

Certification
of appropriate
alternative
development.
1961 c. 33.
1963 c. 51.
1973 c. 65.

47.—(1) Section 17 of the Land Compensation Act 1961 and section 25 of the Land Compensation (Scotland) Act 1963 (certification of appropriate alternative development) shall each be amended in accordance with subsections (2) to (5) below and, as amended by this section, section 49(3) of the said Act of 1963 and section 172(2) of the Local Government (Scotland) Act 1973, shall have effect as set out in Schedule 9 to this Act.

(2) For subsection (3) of each section there shall be substituted the following subsection—

PART V

“(3) An application for a certificate under this section—

- (a) shall state whether or not there are, in the applicant's opinion, any classes of development which, either immediately or at a future time, would be appropriate for the land in question if it were not proposed to be acquired by any authority possessing compulsory purchase powers and, if so, shall specify the classes of development and the times at which they would be so appropriate ;
- (b) shall state the applicant's grounds for holding that opinion ; and
- (c) shall be accompanied by a statement specifying the date on which a copy of the application has been or will be served on the other party directly concerned.”

(3) In subsection (4) of section 17 there shall be substituted for the words “ paragraph (b) ” the words “ paragraph (c) ”, for the words “ planning permission that might have been expected to be granted ” the words “ grant of planning permission ”, for the words “ might reasonably have been expected to be ” the words “ would have been ” and for the words “ could not reasonably have been expected to be ” the words “ would not have been ”.

(4) In subsection (4) of section 25 there shall be substituted for the words “ subsection (3)(b) ” the words “ subsection (3)(c) ”, for the words “ might reasonably have been expected to be ” the words “ would have been ” and for the words “ could not reasonably have been expected to be ” the words “ would not have been ”.

(5) In subsections (5) and (7) of each section for the words “ might reasonably have been expected to be ” there shall be substituted the words “ would have been ”.

(6) This section shall have effect only in relation to applications, and certificates issued in pursuance of applications, made after the expiration of a period of one month beginning with the passing of this Act.

PART VI

SUPPLEMENTAL

Reserve powers

48.—(1) The Secretary of State may act under this section in a case where it appears to him expedient that an authority should cease to be responsible for exercising—

Powers of
Secretary
of State.

- (a) any functions under this Act, or

PART VI

- (b) any functions under any other Act, whether passed before this Act or later, being functions concerning the disposal or management of land.

(2) In such a case the Secretary of State may make an order transferring any such functions—

- (a) to himself, or
- (b) to another authority, or
- (c) to a body appointed under section 50 below.

(3) The order may include among the functions transferred—

- (a) the management and disposal of land in any account kept by the authority under section 43 of this Act, and
- (b) so far as appears to the Secretary of State expedient functions both under this Act and (so far as they relate to the disposal or management of land) other Acts,

and may provide for the transfer from the authority of such of the property, rights, liabilities and obligations of the authority as the Secretary of State considers appropriate.

(4) The Secretary of State shall not make the order except after holding a public local inquiry unless the authority from whom the functions are to be transferred have consented to the making of the order; and an order made after such an inquiry has been held shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(5) Where any functions are transferred under this section from any authority, the amount of any expenses which the Secretary of State certifies were incurred by the transferee in performing those functions shall on demand be paid to him by the first-mentioned authority.

(6) Any expenses which under the last preceding subsection are required to be paid by the authority shall be defrayed by the authority in the like manner, and shall be debited to the like account as if the functions have not been transferred, and the expenses have been incurred by the authority in performing them.

(7) The authority shall have the like powers for the purpose of raising any money required in pursuance of the last preceding subsection as the authority would have for the purpose of raising money required for defraying expenses incurred for the purposes of the functions in question.

(8) Functions of a new town authority shall not be transferred under this section (but that shall not prevent functions being transferred to a new town authority and subsequently being re-transferred).

(9) This section shall not apply in Wales.

PART VI

(10) Any payment made by the Secretary of State for the purpose of this section shall be paid out of money provided by Parliament.

(11) An order under this section shall not be made before the first appointed day.

49.—(1) Where any functions have been transferred from an authority under the last preceding section the Secretary of State may at any time make an order re-transferring to that authority all of the functions so transferred.

(2) The order may, in connection with the re-transfer of any functions to the authority, make such provision as the Secretary of State considers appropriate as respects any property, rights, liabilities and obligations held by the transferee for the purposes of functions transferred from the authority.

(3) The amount of any expenses which the Secretary of State certifies were incurred by the transferee in carrying out the order shall on demand be paid to the transferee by the authority to whom the functions are re-transferred, and subsections (6) and (7) of the last preceding section shall apply as respects the way that authority defray those expenses.

50.—(1) The Secretary of State may by order from time to time establish one or more bodies corporate to exercise, or to be available to exercise, the functions conferred on such bodies by section 48 of this Act.

(2) An order under this section may provide—

(a) for the membership and chairing of the body,

(b) for regulating the appointment, tenure of office and vacation of office of members, and for regulating their meetings and proceedings, and

(c) for the remuneration, pensions, gratuities and allowances of members, officers and servants.

(3) The regulations shall provide that appointments are made by the Secretary of State, and that remuneration, pensions, gratuities or allowances are determined by him, subject to the approval of the Minister for the Civil Service.

(4) An order shall not be made under this section unless a draft of the order has been approved by a resolution of each House of Parliament.

(5) Payments made pursuant to an order under this section shall be defrayed out of money provided by Parliament.

PART VI

Other supplemental provisions

Power to
obtain
information.

51.—(1) For the purpose of enabling the Secretary of State or an authority to make an order or serve any notice or other document which, by any of the provisions of this Act, he or they are authorised or required to make or serve, the Secretary of State or the authority may require the occupier of any premises, and any person who, either directly or indirectly, receives rent in respect of any premises, to state in writing the nature of his interest therein, and the name and address of any other person known to him as having an interest therein, whether as a freeholder, mortgagee, lessee or otherwise.

(2) Any person who, having been required in pursuance of this section to give any information fails to give that information shall be guilty of an offence and liable on summary conviction to a fine not exceeding £100.

(3) Any person who, having been so required to give any information, knowingly makes any mis-statement in respect thereof shall be guilty of an offence and liable on summary conviction to a fine not exceeding £400 or on conviction on indictment to imprisonment for a term not exceeding two years or to a fine, or both.

Service of
documents.
1972 c. 70.

52.—(1) Sections 231 and 233 of the Local Government Act 1972 (service of documents by local authorities, and on local authorities) shall be applied in accordance with this section.

(2) The said sections shall apply as if the Land Authority for Wales were a local authority.

(3) In relation to—

- (a) any document required or authorised by or under this Act to be given to or served on a new town authority, or
- (b) any document required or authorised by or under this Act to be given to or served on any person by or on behalf of a new town authority,

the said sections shall apply as if the new town authority were a local authority.

(4) In relation to—

- (a) any document required or authorised by or under this Act to be given to or served on a local authority or new town authority in Scotland, or
- (b) any document required or authorised by or under this Act to be given to or served on any person by or on

behalf of a local authority or new town authority in Scotland, PART VI

sections 190 and 192 of the Local Government (Scotland) Act 1973 c. 65. 1973 shall apply as if the local authority (within the meaning of this Act) or new town authority were a local authority within the meaning of that Act.

53.—(1) The Secretary of State may make regulations for prescribing the form of— Regulations and orders.

- (a) any document required or authorised by or under this Act to be given to or served on any authority, and
- (b) any document authorised or required by or under this Act to be given, served, made or issued by any authority.

(2) Any power—

- (a) to make orders under any provision of this Act other than paragraphs 17(4) and 19(5) of Schedule 4, and
- (b) to make regulations under any provision of this Act,

shall be exercisable by statutory instrument.

(3) Any regulation or order under this Act—

- (a) may make different provision for different areas, different authorities or other different cases,
- (b) may include transitional and other supplemental and incidental provisions,
- (c) in the case of regulations varying the kinds of development which are relevant development, may include transitional provisions which make such adaptations or modifications of this Act as appear to the Secretary of State necessary or expedient.

(4) An order made under any provision of this Act, other than an order under section 7 appointing the first or second appointed day, may be varied or revoked by a subsequent order so made.

54. Any direction or consent given by the Secretary of State under this Act may be— Directions and consents.

- (a) either general or limited to any particular case or class of case,
- (b) addressed to any particular authority or class of authority, or
- (c) unconditional or subject to conditions.

55. Section 250 of the Local Government Act 1972 or section 210 of the Local Government (Scotland) Act 1973 shall extend to any public local inquiry held under this Act. Local inquiries. 1972 c. 70.

PART VI

Offences by
corporations.

56.—(1) Where an offence under this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and liable to be proceeded against accordingly.

(2) Where the affairs of a body corporate are managed by its members, this section shall apply in relation to acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

Financial
provisions.

57.—(1) There shall be paid out of money provided by Parliament—

(a) any expenses of the Secretary of State under this Act, and

(b) any increase in money so payable under any other Act which is attributable to the provisions of this Act.

(2) Any sum paid to the Secretary of State under this Act shall, except as otherwise expressly provided, be paid into the Consolidated Fund.

Short title, etc.

58.—(1) This Act may be cited as the Community Land Act 1975.

(2) The consequential and minor amendments in Schedule 10 to this Act shall have effect.

(3) The enactments mentioned in Schedule 11 to this Act shall be repealed to the extent specified in the third column of that Schedule.

(4) Except as otherwise expressly provided, this Act shall not extend to Northern Ireland.

SCHEDULES

SCHEDULE 1

Section 3.

EXEMPT DEVELOPMENT

1. Development for which planning permission—

(a) is granted by a general development order for the time being in force, or

(b) would be so granted but for a direction given under the order,

and which is carried out so as to comply with any condition or limitation subject to which planning permission is or would be so granted.

2. The carrying out, on land which is used for the purposes of agriculture or forestry, of any building or other operations required for the purposes of that use, other than operations for the erection of dwelling-houses.

3. The winning and working, on land held or occupied with land used for the purposes of agriculture, of any minerals reasonably required for the purposes of that use, including the fertilisation of the land so used and the maintenance, improvement or alteration of buildings or works thereon which are occupied or used for those purposes.

SCHEDULE 2

Section 7.

COMMENCEMENT DATES, ETC.

PART I

1. *First appointed day*

The main provisions where it appears are—

<i>Provision of Act</i>	<i>Subject matter</i>
Section 15	Powers of acquisition and appropriation.
Section 17	General duties of authorities.
Sections 19 and 20	Planning permission for relevant development.
Sections 23 and 24	Disposal notification areas.
Section 48	Reserve powers.

2. *The “relevant date”*

The main provisions where it appears are—

<i>Provision of Act</i>	<i>Subject matter</i>
Section 18	Comprehensive acquisition of development land.
Section 21	Planning permission for relevant development.

SCH. 2

3. *Second appointed day*

The main provision where it appears is—

*Provision of Act**Subject matter*

Section 25

Assessment of compensation:
assumptions as to planning
permission.

PART II

1.—(1) The Secretary of State shall maintain and keep up to date a register showing the orders which have been made under section 18 of this Act in such a way as enables members of the public to inform themselves as to the dates (in this Act called “the relevant date”) when they came into force, the areas to which they apply and the descriptions of relevant development to which they apply.

(2) The registers for England, Scotland and Wales shall be kept respectively in London, Edinburgh and Cardiff at the principal offices of the Secretary of State having general responsibility for planning matters in relation to those countries respectively.

(3) The registers shall be available for inspection by the public at all reasonable hours.

2. As soon as practicable after the making of an order under section 18 of this Act, each of the authorities whose areas include land to which the order applies—

- (a) shall publish a notice of the effect of the order in two or more newspapers circulating in the locality, of which one shall, if practicable, be a local newspaper, and
- (b) shall deposit a copy of the order at their principal office and shall keep it available there at all reasonable hours for public inspection without payment.

Section 8.

SCHEDULE 3

THE LAND AUTHORITY FOR WALES

1. The Land Authority for Wales shall by that name be a body corporate and shall consist of such number of members, not less than six and not exceeding nine, as the Secretary of State may from time to time determine.

2.—(1) The members shall be appointed by the Secretary of State, who may appoint one of them to be chairman of the Authority and another to be deputy chairman.

(2) Four offices as members of the Authority shall be held by members appointed by the Secretary of State after consultation with such organisations as appear to him to be representative of local authorities in Wales.

1975 c. 24.

3. In Part II of Schedule 1 to the House of Commons Disqualification Act 1975 (bodies of which all members are disqualified) there shall be inserted at the appropriate place in alphabetical order the entry:

"The Land Authority for Wales".

SCH. 3

This paragraph shall extend to Northern Ireland.

4.—(1) Subject to the provisions of this paragraph, a member of the Authority, and the chairman and deputy chairman, shall hold and vacate office in accordance with the terms of his appointment.

(2) A member may by notice in writing addressed to the Secretary of State resign his membership and the chairman or deputy chairman may by the like notice resign his office.

(3) The Secretary of State may remove a person from membership if satisfied that he—

(a) has become bankrupt or made an arrangement with his creditors ; or

(b) is incapacitated by physical or mental illness ; or

(c) has been absent from more than six consecutive meetings of the Authority otherwise than for a reason approved by the Secretary of State ; or

(d) is otherwise unable or unfit to discharge the functions of a member, or is unsuitable to continue as a member.

(4) A person who ceases to be a member, or ceases to be chairman or deputy chairman, shall be eligible for re-appointment.

(5) If the chairman or deputy chairman ceases to be a member of the Authority he shall also cease to be chairman or deputy chairman.

(6) A person may hold all or any of the following offices at the same time, that is secretary or other officer of the Authority, member of the Authority and deputy chairman of the Authority ; and a person holding the office of chairman of the Authority may hold any other office except that of secretary or deputy chairman.

5. The Authority, with the approval of the Secretary of State, may appoint a secretary of the Authority, and such other officers and servants as the Authority may, after consultation with the Secretary of State and with the consent of the Minister, determine

6.—(1) The Authority shall pay to members of the Authority such remuneration and allowances as may be determined by the Secretary of State with the consent of the Minister.

(2) In the case of any such person as the Secretary of State may with the consent of the Minister determine, the Authority shall pay such pension, allowance or gratuity to or in respect of him, or make such payment towards the provision of such a pension, allowance or gratuity, as may be so determined.

(3) If a person ceases to be a member of the Authority, and it appears to the Secretary of State that there are special circumstances which make it right that that person should receive compensation, the Secretary of State may, with the consent of the Minister, require the Authority to pay to that person a sum of such amount as the Secretary of State may with the consent of the Minister determine.

SCH. 3

(4) As soon as practicable after the making of any determination under sub-paragraph (2) or sub-paragraph (3) of this paragraph the Secretary of State shall lay a statement thereof before each House of Parliament.

Staff

7. The Authority shall pay to their officers and servants such remuneration and allowances as they may, after consultation with the Secretary of State and with the consent of the Minister, determine.

8.—(1) The Authority shall, in the case of such of the persons employed by them as may be determined by the Authority with the consent of the Secretary of State given with the approval of the Minister, pay such pensions, allowances or gratuities to or in respect of those persons as may be so determined, make such payments towards the provision of such pensions, allowances or gratuities as may be so determined or provide and maintain such schemes (whether contributory or not) for the payment of such pensions, allowances or gratuities as may be so determined.

(2) Where a person employed by the Authority and participating in a scheme for the payment of pensions, allowances or gratuities which is applicable to such persons becomes a member of the Authority, his service as a member may be treated for the purposes of the scheme as service as a person employed by the Authority.

Proceedings and instruments

9.—(1) Subject to the following provisions of this Schedule the Authority shall have power to regulate their own procedure.

(2) The quorum at meetings of the Authority shall be four.

1960 c. 67.

(3) In paragraph 1 of the Schedule to the Public Bodies (Admission to Meetings) Act 1960 (which specifies the bodies in England and Wales to which that Act applies) after paragraph (b) there shall be inserted the following paragraph:—

“(bb) the Land Authority for Wales;”.

10.—(1) A member of the Authority who is in any way directly or indirectly interested in any land which is the subject of a transaction entered into or proposed to be entered into by the Authority shall disclose the nature of his interest at a meeting of the Authority; and the disclosure shall be recorded in the minutes of the Authority, and the member shall not take any part in any deliberation or decision of the Authority with respect to the transaction.

(2) For the purposes of sub-paragraph (1) above a general notice given at a meeting of the Authority by a member of the Authority to the effect that he is a member of a specified company or firm and is to be regarded as interested in any transaction which may, after the date of the notice, be entered into in relation to that company or firm, shall be regarded as a sufficient disclosure of his interest in relation to any such transaction.

(3) A member of the Authority need not attend in person at a meeting of the Authority in order to make any disclosure which he

is required to make under this paragraph if he takes reasonable steps to secure that the disclosure is made by a notice which is brought up and read at the meeting.

11. The proceedings of the Authority shall not be invalidated by any vacancy in the number of their members or by any defect in the appointment of any person as a member or chairman or deputy chairman or by any failure to comply with the requirements of paragraph 10 above.

12. The seal of the Authority shall be authenticated by the signature of the secretary or of any person authorised by the Authority to act in that behalf.

13. A certificate signed by the secretary that any instrument purporting to be made or issued by or on behalf of the Authority was so made or issued shall be conclusive evidence of that fact.

14. Every document purporting—

- (a) to be an instrument made or issued by or on behalf of the Authority and to be sealed with the seal of the Authority authenticated in the manner provided by paragraph 12 above, or to be signed or executed by the secretary or any person authorised by the Authority to act in that behalf, or
- (b) to be such a certificate as is mentioned in paragraph 13 above,

shall be received in evidence and be deemed without further proof to be so made or issued or to be such a certificate, unless the contrary is shown.

Supplemental

15.—(1) A person dealing with the Authority, or with a person claiming under the Authority, shall not be concerned to inquire—

- (a) whether any directions have been given to the Authority under this Act or whether any directions so given have been complied with, or
- (b) whether the consent or approval of the Secretary of State or the Minister required for any of the purposes of this Act has been given, or whether any condition or limitation subject to which any such consent or approval was given has been complied with,

and, in favour of any such person, the validity of anything done by the Authority shall not be affected by anything contained in any such direction, consent or approval or by reason that any such direction, consent or approval has not been given.

(2) Without prejudice to sub-paragraph (1) above, the validity of a compulsory purchase order made by the Authority shall not be affected by anything contained in a direction given under section 8(3) of this Act or by reason that any such direction has not been complied with.

16. In this Schedule “the Minister” means the Minister for the Civil Service.

Section 15.

SCHEDULE 4

ACQUISITION AND APPROPRIATION OF LAND

PART I

MODIFICATIONS OF ACQUISITION OF LAND ACTS

1.—(1) Subject to sub-paragraph (2) below, the Acquisition of Land Acts shall apply in relation to the compulsory acquisition of land under section 15 of this Act with the modifications made by the following provisions of this Part of this Schedule.

(2) The modifications made by paragraphs 2 and 3 below shall not have effect unless—

- (a) there are no material interests comprised in the compulsory purchase order other than outstanding material interests in development land, and
- (b) the order contains a certificate to that effect.

(3) A certificate under sub-paragraph (2) above shall not be questioned in any legal proceedings whatsoever.

2.—(1) For paragraph 4 of Schedule 1 there shall be substituted the following paragraph:—

“ 4.—(1) If no objection is duly made by any such owner, lessee or occupier as aforesaid or if all objections so made are withdrawn, the confirming authority, upon being satisfied that the proper notices have been published and served, may, if it thinks fit, confirm the order with or without modifications.

(2) If any objection duly made as aforesaid is not withdrawn, then, before confirming the order, the confirming authority may if it considers it expedient to do so, and shall if sub-paragraph (3) below applies—

- (a) cause a public local inquiry to be held, or
- (b) afford to any person by whom an objection has been duly made as aforesaid and not withdrawn, an opportunity of appearing before and being heard by a person appointed by the confirming authority for the purpose.

(3) This sub-paragraph applies unless the confirming authority is satisfied either—

- (a) that planning permission for relevant development is in force in respect of the land comprised in the order, and that the planning permission was granted by the confirming authority after a public local inquiry; or
- (b) where a local plan for the district in which the land is situated has been adopted or approved under Part II of the Town and Country Planning Act 1971, that the grant of planning permission for relevant development in respect of the land comprised in the order would be in accordance with the provisions of that plan; or

- (c) where no such plan has been so adopted or approved, that the grant of planning permission for relevant development in respect of the land comprised in the order would be in accordance with the provisions of the development plan.

(4) After considering any objection duly made as aforesaid and, in a case where there has been an inquiry or hearing under sub-paragraph (2) above, the report of the person who held the inquiry or the person appointed to conduct the hearing, the confirming authority may confirm the order with or without modifications.

(5) If any person by whom an objection has been made is given, and avails himself of, the opportunity of being heard, the confirming authority shall afford to the acquiring authority, and to any other persons to whom it appears to the confirming authority expedient to afford it, an opportunity of being heard on the same occasion.

(6) Notwithstanding anything in sub-paragraphs (2) to (5) above, the confirming authority may require any person who has made an objection, within such period (not being less than 28 days from the date of the requirement) as the confirming authority may specify, to state in writing the grounds thereof, and may disregard the objection for the purposes of this paragraph if satisfied that the objection—

- (a) relates exclusively to matters which can be dealt with by the tribunal by whom the compensation is to be assessed, or
- (b) is made on the ground that the acquisition is unnecessary or inexpedient.

(7) If the objector fails to state the grounds of his objection as required within the time specified by the confirming authority, the confirming authority may disregard the objection.

(8) Where an objection has been duly made as aforesaid and not withdrawn, and the confirming authority do not hold an inquiry or hearing, then, as soon as may be after it has determined either to confirm or not to confirm the order, the authority shall send to any person who—

- (a) is such an owner, lessee or occupier as is mentioned in paragraph 3(1)(b) above, and
- (b) has specified an address for the purposes of this paragraph,

a notification of its decision, which shall be addressed to that person and sent by registered post or the recorded delivery service to the address so specified.

(9) In this paragraph—

- (a) any reference to a plan includes a reference to any alteration to that plan;
- (b) ‘development plan’ and ‘planning permission’ have the same meanings as in the Town and Country Planning Act 1971;

SCH. 4

(c) 'relevant development' has the same meaning as in the Community Land Act 1975."

(2) In relation to the Scottish Act of 1947, the paragraph 4 of Schedule 1 set out above shall have effect as if for references to the Act of 1971 there were substituted references to the Scottish Act of 1972 and for the reference to paragraph 3(1) (b) of Schedule 1 there were substituted a reference to paragraph 3(b) of Schedule 1.

3.—(1) If the Secretary of State considers it necessary to do so in the public interest, he may from time to time by order direct that for such period (not exceeding five years) as may be specified in the order the paragraph 4 of Schedule 1 set out above shall have effect as if the references in sub-paragraph (3)(b) to a local plan adopted or approved under Part II of the Act of 1971 included references—

(a) to any local plan which has been prepared by the local planning authority and as respects which the purposes of paragraphs (a) to (c) of section 12(1) of the Act of 1971 (publicity in connection with the preparation of plans) have, in the opinion of the confirming authority, been adequately achieved by the steps taken by the local planning authority, and

(b) to any other plan which has been so prepared and as respects which, if it had been a local plan, those purposes would, in the opinion of the confirming authority, have been adequately achieved by the steps so taken.

(2) Where the land comprised in a compulsory purchase order consists of a dwelling-house and the occupier of the dwelling-house duly objects to the order and that objection is not withdrawn, the Secretary of State shall not rely on the modification made by an order under this paragraph.

(3) Where the land comprised in a compulsory purchase order comprises a dwelling-house together with other land and the occupier of the dwelling-house duly objects to the order and that objection is not withdrawn, then, if the Secretary of State relies on the modification made by an order under this paragraph, he shall not confirm the compulsory purchase order without a modification excluding the dwelling-house from that order.

(4) In this paragraph "dwelling-house" means any building or part of a building in which a person is residing, and includes any other building or part of a building in which a person normally resides but from which he is temporarily absent.

(5) In relation to the Scottish Act of 1947, this paragraph shall have effect as if, in sub-paragraph (1) above, for the references to Part II and section 12(1) of the Act of 1971 there were substituted references to Part II and section 10(1) of the Scottish Act of 1972, and for the references to the local planning authority there were substituted references to the regional planning authority, the general

planning authority or the district planning authority, as the case may require.

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(6) An order under this paragraph shall not be made unless a draft of the order has been approved by a resolution of each House of Parliament.

4.—(1) Where a compulsory purchase order authorising the acquisition of any land is submitted to the Secretary of State in accordance with Part I of Schedule 1 then, if the Secretary of State—

- (a) is satisfied that the order ought to be confirmed so far as it relates to part of the land comprised therein, but
- (b) has not for the time being determined whether it ought to be confirmed so far as it relates to any other such land,

he may confirm the order so far as it relates to the land mentioned in paragraph (a) above, and give directions postponing the consideration of the order, so far as it relates to any other land specified in the directions, until such time as may be so specified.

(2) Where the Secretary of State gives directions under sub-paragraph (1) above, the notices required by paragraph 7 of Schedule 1 to be published and served shall include a statement of the effect of the directions.

5.—(1) Notwithstanding anything in paragraph 10 of Schedule 1, a compulsory purchase order under Part III of this Act authorising the acquisition of land which has been acquired by statutory undertakers for the purposes of their undertaking may be confirmed without a certificate under that paragraph.

In this sub-paragraph “statutory undertakers” has the meaning given by the relevant Acquisition of Land Act, and includes any authority, body or undertakers which by virtue of any enactment are to be treated as statutory undertakers for any of the purposes of that Act.

(2) Except where the appropriate Minister's certificate is given, a compulsory purchase order to which this paragraph applies shall be of no effect unless it is confirmed by the appropriate Minister jointly with the Minister or Ministers who would apart from this sub-paragraph have power to confirm it.

In this sub-paragraph “the appropriate Minister's certificate” means such a certificate as is mentioned in paragraph 10 of Schedule 1.

(3) Sections 238 to 240 of the Act of 1971 and sections 227 to 229 of the Scottish Act of 1972 (measure of compensation for statutory undertakers) shall apply in respect of a compulsory acquisition which is effected by a compulsory purchase order which by virtue of this paragraph is confirmed without a certificate.

SCH. 4

Compulsory purchase by Land Authority for Wales

6. Where the compulsory purchase order was made by the Land Authority for Wales—

- (a) a notice under paragraph 3(1)(b) of Schedule 1 (notice specifying the time for making objections) shall be served on the local authorities within whose areas the land is situated,
- (b) those local authorities shall have a right to object in accordance with the notice,
- (c) the references in paragraph 4 of that Schedule to objections made by an owner, lessee or occupier shall include references to an objection made by such a local authority.

PART II

ACQUISITION OF LAND BY AGREEMENT

1965 c. 56. 7.—(1) The provisions of Part I of the Compulsory Purchase Act 1965 (so far as applicable), other than section 31, shall apply in relation to the acquisition of land by agreement under section 15 of this Act; and in the said Part I as so applied “land” shall have the meaning given by section 6(1) of this Act.

(2) For the purpose of the acquisition by agreement of land in Scotland by an authority under section 15 of this Act, the Lands Clauses Acts (except the provisions relating to the purchase of land otherwise than by agreement and the provisions relating to access to the special Act, and except sections 120 to 125 of the Lands Clauses Consolidation (Scotland) Act 1845) and sections 6 and 70 of the Railway Clauses Consolidation (Scotland) Act 1845 and sections 71 to 78 of that Act, as originally enacted and not as amended for certain purposes by section 15 of the Mines (Working Facilities and Support) Act 1923, shall be incorporated with section 15 of this Act, and in construing those Acts for the purpose of that section, that section shall be deemed to be the special Act, and the authority to be promoters of the undertaking or company, as the case may require; and in those Acts as so incorporated “land” shall have the meaning given by section 6(1) of this Act.

1845 c. 19.

1845 c. 33.

1923 c. 20.

PART III

SUPPLEMENTAL PROVISIONS

Extinguishment of rights over land compulsorily acquired

8.—(1) Subject to the provisions of this paragraph, upon the completion by an authority of a compulsory acquisition of land under Part III of this Act, all private rights of way and rights of laying down, erecting, continuing or maintaining any apparatus on, under or over the land shall be extinguished, and any such apparatus shall vest in the authority.

(2) Sub-paragraph (1) above shall not apply to any right vested in, or apparatus belonging to, statutory undertakers for the purpose of the carrying on of their undertaking.

(3) In respect of any right or apparatus not falling within sub-paragraph (2) above, sub-paragraph (1) above shall have effect subject— SCH. 4

(a) to any direction given by the authority before the completion of the acquisition that sub-paragraph (1) above shall not apply to any right or apparatus specified in the direction; and

(b) to any agreement which may be made (whether before or after the completion of the acquisition) between the authority and the person in or to whom the right or apparatus in question is vested or belongs.

(4) Any person who suffers loss by the extinguishment of a right or the vesting of any apparatus under this paragraph shall be entitled to compensation from the authority.

(5) Any compensation payable under this paragraph shall be determined in accordance with the Land Compensation Act 1961 or the Land Compensation (Scotland) Act 1963. 1961 c. 33.
1963 c. 51.

Development of land acquired under Part III of this Act

9.—(1) An authority acquiring any land under Part III of this Act shall, in relation to that land, have power (notwithstanding any limitation imposed by law on the capacity of the authority by virtue of their constitution) to erect, construct or carry out any buildings or works, not being a building or work for the erection, construction or carrying out of which, whether by that authority or by any other person, statutory power exists by virtue of, or could be conferred under, an alternative enactment.

(2) The consent of the Secretary of State shall be requisite to any exercise by an authority of the power conferred on them by sub-paragraph (1) above; and any such consent may be given either in respect of a particular operation or in respect of operations of any class, and either subject to or free from any conditions or limitations.

(3) Where an authority propose to carry out any operation which they would have power to carry out by virtue only of sub-paragraph (1) above, they shall notify the Secretary of State of their proposal, and the Secretary of State may direct such advertisement by the authority as appears to him to be requisite for the purposes of this paragraph.

(4) The functions of an authority shall include power for the authority (notwithstanding any such limitation as is mentioned in sub-paragraph (1) above) to repair, maintain and insure any building or works on land acquired under Part III of this Act, and generally to deal therewith in a proper course of management.

(5) An authority may, with the consent of the Secretary of State, enter into arrangements with an authorised association for the carrying out by the association of any operation which, apart from the arrangements, the authority would have power under this paragraph to carry out, on such terms (including terms as to the

SCH. 4 making of payments or loans by the authority to the association) as may be specified in the arrangements.

(6) Nothing in this paragraph shall be construed as authorising such an association to carry out any operation which they would not have power to carry out apart from sub-paragraph (5) above.

(7) Nothing in this paragraph shall be construed as authorising any act or omission on the part of an authority which is actionable at the suit, or in Scotland the instance, of any person on any ground other than such a limitation as is mentioned in sub-paragraph (1) above.

(8) In this paragraph “alternative enactment” means any enactment which is not contained in—

(a) this Act,

(b) the Act of 1971 or the Scottish Act of 1972,

1963 c. 29.

(c) section 2, 5, or 6 of the Local Authorities (Land) Act 1963,
or

1972 c. 5.

(d) section 5, 8, 13(1) or 14 of the Local Employment Act 1972.

(9) In this paragraph “authorised association” means any society, company or body of persons approved by the Secretary of State whose objects include the promotion, formation or management of garden cities, garden suburbs or garden villages, and the erection, improvement or management of buildings for the working classes and others, and which does not trade for profit or whose constitution forbids the issue of any share or loan capital with interest or dividend exceeding the rate for the time being fixed by the Treasury.

Power to override easements and other rights

10.—(1) The erection, construction or carrying out, or maintenance, of any building or work on land which has been acquired by an authority under Part III of this Act, whether done by the authority or by a person deriving title under them, is authorised by virtue of this paragraph if it is done in accordance with planning permission notwithstanding that it involves interference with an interest or right to which this paragraph applies, or involves a breach of a restriction as to the user of land arising by virtue of a contract.

(2) Nothing in this paragraph shall authorise interference with any right of way or right of laying down, erecting, continuing or maintaining apparatus on, under or over land, being a right vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking.

(3) This paragraph applies to the following interests and rights, that is to say, any easement, liberty, privilege, right or advantage annexed to land and adversely affecting other land, including any natural right to support.

(4) In respect of any interference or breach in pursuance of sub-paragraph (1) above, compensation shall be payable under—

1965 c. 56.

(a) section 7 or 10 of the Compulsory Purchase Act 1965, or

(b) section 61 of the Lands Clauses Consolidation (Scotland) Act 1845 and section 6 of the Railways Clauses (Consolidation) (Scotland) Act 1845, SCH. 4
1845 c. 19.
1845 c. 33.

and shall be assessed in the same manner and subject to the same rules as in the case of other compensation under those sections in respect of injurious affection where the compensation is to be estimated in connection with a purchase to which the said Act of 1965 or the said Acts of 1845 apply, or the injury arises from the execution of works on land acquired by such a purchase.

(5) Where a person deriving title under the authority by whom the land in question was acquired is liable to pay compensation by virtue of sub-paragraph (4) above, and fails to discharge that liability, the liability shall, subject to sub-paragraph (6) below, be enforceable against the authority.

(6) Nothing in sub-paragraph (5) above shall be construed as affecting any agreement between the authority and any other person for indemnifying the authority against any liability under that sub-paragraph.

(7) Nothing in this paragraph shall be construed as authorising any act or omission on the part of any person which is actionable at the suit, or in Scotland the instance, of any person on any grounds other than such an interference or breach as is mentioned in sub-paragraph (1) above.

(8) In this paragraph—

- (a) a reference to a person deriving title from another person includes a reference to any successor in title of that other person,
- (b) a reference to deriving title is a reference to deriving title either directly or indirectly.

Use and development of consecrated land and burial grounds

11.—(1) Any consecrated land, whether or not including a building, which has been acquired by an authority under Part III of this Act may, subject to the following provisions of this paragraph, be used by any person in any manner in accordance with planning permission, notwithstanding any obligation or restriction imposed under ecclesiastical law or otherwise in respect of consecrated land.

(2) Sub-paragraph (1) above does not apply to land which consists or forms part of a burial ground.

(3) Any use of consecrated land authorised by sub-paragraph (1) above, and the use of any land (not being consecrated land) acquired by an authority under Part III of this Act which at the time of acquisition included a church or other building used or formerly used for religious worship or the site thereof, shall be subject to compliance with the requirements of regulations made by the Secretary of State for the purposes of this paragraph with respect to the removal and re-interment of any human remains, and the disposal of monuments and fixtures and furnishings.

SCH. 4

(4) Any use of consecrated land authorised by sub-paragraph (1) above shall be subject to such provisions as may be prescribed by such regulations for prohibiting or restricting the use of the land, either absolutely or until the prescribed consent has been obtained, so long as any church or other building used or formerly used for religious worship, or any part thereof, remains on the land.

(5) Any regulations made for the purposes of this paragraph—

- (a) shall contain such provisions as appear to the Secretary of State to be requisite for securing that any use of land which is subject to compliance with the regulations shall, as nearly as may be, be subject to the like control as is imposed by law in the case of a similar use authorised by an enactment not contained in this Act or by a Measure, or as it would be proper to impose on a disposal of the land in question otherwise than in pursuance of an enactment or Measure ;
- (b) shall contain requirements relating to the disposal of any such land as is mentioned in sub-paragraphs (3) and (4) above such as appear to the Secretary of State requisite for securing that the provisions of those sub-paragraphs shall be complied with in relation to the use of the land ; and
- (c) may contain such incidental and consequential provisions (including provision as to the closing of registers) as appear to the Secretary of State to be expedient for the purposes of the regulations.

(6) Any land consisting of a burial ground or part of a burial ground, which has been acquired as mentioned in sub-paragraph (1) above, may be used by any person in any manner in accordance with planning permission, notwithstanding anything in any enactment relating to burial grounds or any obligation or restriction imposed under ecclesiastical law or otherwise in respect of burial grounds.

(7) Sub-paragraph (6) above shall not have effect in respect of any land which has been used for the burial of the dead until the requirements prescribed by regulations made under this paragraph with respect to the removal and re-interment of human remains, and the disposal of monuments, in or upon the land have been complied with.

(8) Provision shall be made by any regulations made for the purposes of this paragraph—

- (a) for requiring the persons in whom the land is vested to publish notice of their intention to carry out the removal and re-interment of any human remains or the disposal of any monuments ;
- (b) for enabling the personal representatives or relatives of any deceased person themselves to undertake the removal and re-interment of the remains of the deceased, and the disposal of any monument commemorating the deceased, and for requiring the persons in whom the land is vested to defray the expenses of such removal, re-interment and disposal, not exceeding such amount as may be prescribed ;

(c) for requiring compliance with such reasonable conditions (if any) as may be imposed, in the case of consecrated land, by the bishop of the diocese, with respect to the manner of removal, and the place and manner of re-interment of any human remains, and the disposal of any monuments, and with any directions given in any case by the Secretary of State with respect to the removal and re-interment of any human remains. SCH. 4

(9) Subject to the provisions of regulations made under this paragraph, no faculty shall be required for the removal and re-interment in accordance with the regulations of any human remains, or for the removal or disposal of any monuments, and the provisions of section 25 of the Burial Act 1857 (prohibition of removal of human remains 1857 c. 81. without the licence of the Secretary of State except in certain cases) shall not apply to a removal carried out in accordance with the regulations.

(10) Regulations under this paragraph shall be subject to annulment by a resolution of either House of Parliament.

(11) Nothing in this paragraph shall be construed as authorising any act or omission on the part of any person which is actionable at the suit of any person on any grounds other than contravention of any such obligation, restriction or enactment as is mentioned in subparagraph (1) or (6) above.

(12) In this paragraph "burial ground" includes any churchyard, cemetery or other ground, whether consecrated or not, which has at any time been set apart for the purposes of interment, and "monument" includes a tombstone or other memorial.

(13) This paragraph shall not apply in Scotland.

Use and development of churches and burial grounds in Scotland

12. Section 118 of the Scottish Act of 1972 shall have effect in relation to land in Scotland which is acquired by a local authority under Part III of this Act as it has effect in relation to land acquired by a planning authority as mentioned in subsection (1) of that section.

13. The provisions of section 20 of the New Towns (Scotland) Act 1968 and any regulations made thereunder shall have effect in relation to land in Scotland which is acquired by a new town authority under Part III of this Act as they have effect in relation to land acquired by a development corporation as mentioned in subsection (1) of that section. 1968 c. 16.

Use and development of land for open spaces

14.—(1) Any land being, or forming part of, a common or open space or fuel or field garden allotment, which has been acquired by an authority under Part III of this Act may be used by any person in any manner in accordance with planning permission,

SCH. 4

notwithstanding anything in any enactment relating to land of that kind, or in any enactment by which the land is specially regulated.

In the application of this sub-paragraph to Scotland, the words "or fuel or field garden allotment" shall be omitted.

(2) Nothing in this paragraph shall be construed as authorising any act or omission on the part of any person which is actionable at the suit, or in Scotland the instance, of any person on any grounds other than contravention of any such enactment as is mentioned in sub-paragraph (1) above.

Saving for paragraphs 11 to 14

15.—(1) This paragraph applies as respects paragraphs 11 to 14 above.

(2) In relation to any authority or body corporate, nothing in the said paragraphs shall be construed as authorising any act or omission on their part in contravention of any limitation imposed by law on their capacity by virtue of the constitution of the authority or body.

(3) Any power conferred by the said paragraphs to use land in a manner therein mentioned shall be construed as a power to use the land, whether it involves the erection, construction or carrying out of any building or work, or the maintenance of any building or work, or not.

Construction of the Compulsory Purchase Acts in relation to this Act

1965 c. 65.

16.—(1) In construing the Compulsory Purchase Act 1965 in relation to any of the provisions of Part III of this Act—

(a) references to the execution of works shall be construed as including references to any erection, construction or carrying out of buildings or works authorised by paragraph 10 of this Schedule ;

(b) in relation to the erection, construction or carrying out of any buildings or works so authorised, references in section 10 of the said Act of 1965 to the acquiring authority shall be construed as references to the persons by whom the buildings or works in question are erected, constructed or carried out.

1845 c. 33.

(2) As respects Scotland, in construing the Lands Clauses Acts and section 6 of the Railways Clauses Consolidation (Scotland) Act 1845, as incorporated by virtue of paragraph 1 of Schedule 2 to the Scottish Act of 1947, in relation to any of the provisions of this Act—

(a) references to the execution of works shall be construed as including references to any erection, construction or carrying out of buildings or works authorised by paragraph 10 of this Schedule ; and

- (b) in relation to the erection, construction or carrying out of any buildings or works so authorised, references in section 6 of the said Act of 1845 to the company shall be construed as references to the person by whom the buildings or works in question are erected, constructed or carried out.

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Extinguishment of rights of way, and rights as to apparatus, of statutory undertakers

17.—(1) Where any land has been acquired by an authority under Part III of this Act and—

- (a) there subsists over that land a right vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking, being a right of way or a right of laying down, erecting, continuing or maintaining apparatus on, under or over that land ; or
- (b) there is on, under or over the land apparatus vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking,

the authority, if satisfied that the extinguishment of the right or, as the case may be, the removal of the apparatus, is necessary for the purpose of carrying out any development, may serve on the statutory undertakers a notice stating that, at the end of the period of 28 days from the date of service of the notice or such longer period as may be specified therein, the right will be extinguished or requiring that, before the end of that period, the apparatus shall be removed.

(2) The statutory undertakers on whom a notice is served under sub-paragraph (1) above may, before the end of the period of 28 days from the service of the notice, serve a counter-notice on the authority stating that they object to all or any provisions of the notice and specifying the grounds of their objection.

(3) If no counter-notice is served under sub-paragraph (2) above—

- (a) any right to which the notice relates shall be extinguished at the end of the period specified in that behalf in the notice ; and
- (b) if, at the end of the period so specified in relation to any apparatus, any requirement of the notice as to the removal of the apparatus has not been complied with, the authority may remove the apparatus and dispose of it in any way they may think fit.

(4) If a counter-notice is served under sub-paragraph (2) above on an authority, the authority may either withdraw the notice (without prejudice to the service of a further notice) or may apply to the Secretary of State and the appropriate Minister for an order under this paragraph embodying the provisions of the notice with or without modification.

(5) Where by virtue of this paragraph any right vested in or belonging to statutory undertakers is extinguished, or any requirement

SCH. 4 is imposed on statutory undertakers, those undertakers shall be entitled to compensation from the authority.

(6) Sections 238 and 240 of the Act of 1971, or as the case may be sections 227 and 229 of the Scottish Act of 1972 (measure of compensation for statutory undertakers) shall apply to compensation under sub-paragraph (5) above as they apply to compensation under section 237(2) of the Act of 1971, or as the case may be section 226(2) of the Scottish Act of 1972.

Orders under paragraph 17

18.—(1) Before making an order under paragraph 17(4) above the Ministers proposing to make the order—

- (a) shall afford to the statutory undertakers on whom notice was served under paragraph 17(1) above an opportunity of objecting to the application for the order ; and
- (b) if any objection is made, shall consider the objection and afford to those statutory undertakers and to the authority on whom the counter-notice was served, an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State and the appropriate Minister for the purpose,

and may then, if they think fit, make the order in accordance with the application either with or without modification.

(2) Where an order is made under paragraph 17(4) above—

- (a) any right to which the order relates shall be extinguished at the end of the period specified in that behalf in the order ; and
- (b) if, at the end of the period so specified in relation to any apparatus, any requirement of the order as to the removal of the apparatus has not been complied with, the authority may remove the apparatus and dispose of it in any way they may think fit.

Notice for same purposes as paragraph 17 but given by statutory undertakers to authority

19.—(1) Subject to the provisions of this paragraph, where any land has been acquired by an authority under Part III of this Act and—

- (a) there is on, under or over the land apparatus vested in or belonging to statutory undertakers ; and
- (b) the undertakers claim that development to be carried out on the land is such as to require, on technical or other grounds connected with the carrying on of their undertaking, the removal or re-siting of the apparatus affected by the development,

the undertakers may serve on the authority a notice claiming the right to enter on the land and carry out such works for the removal or re-siting of the apparatus or any part of it as may be specified in the notice.

(2) Where, after the land has been acquired as mentioned in sub-paragraph (1) above, development of the land is begun to be carried out, no notice under this paragraph shall be served later than 21 days after the beginning of the development.

(3) Where a notice is served under this paragraph, the authority on whom it is served may, before the end of the period of 28 days from the date of service, serve on the statutory undertakers a counter-notice stating that they object to all or any of the provisions of the notice and specifying the grounds of their objection.

(4) If no counter-notice is served under sub-paragraph (3) above, the statutory undertakers shall, after the end of the said period of 28 days, have the rights claimed in their notice.

(5) If a counter-notice is served under sub-paragraph (3) above, the statutory undertakers who served the notice under this paragraph may either withdraw it or may apply to the Secretary of State and the appropriate Minister for an order under this paragraph conferring on the undertakers the rights claimed in the notice or such modified rights as the Secretary of State and the appropriate Minister think it expedient to confer on them.

(6) Where by virtue of this paragraph or an order of Ministers made under it, statutory undertakers have the right to execute works for the removal or re-siting of apparatus, they may arrange with the authority for the works to be carried out by the authority, under the superintendence of the undertakers, instead of by the undertakers themselves.

(7) Where works are carried out for the removal or re-siting of statutory undertakers' apparatus, being works which the undertakers have the right to carry out by virtue of this paragraph or an order of Ministers made under it, the undertakers shall be entitled to compensation from the authority.

(8) Sections 238 and 240 of the Act of 1971, or as the case may be sections 227 and 229 of the Scottish Act of 1972 (measure of compensation for statutory undertakers) shall apply to compensation under sub-paragraph (7) above as they apply to compensation under section 237(3) of the Act of 1971, or as the case may be section 226(3) of the Scottish Act of 1972.

Rights of entry

20.—(1) Any person, being an officer of the Valuation Office of the Inland Revenue Department or a person duly authorised in writing by an authority, may at any reasonable time enter any land for the purposes of surveying it, or estimating its value, in connection with any proposal to acquire that land or any other land, under Part III of this Act, or in connection with any claim for compensation in respect of any such acquisition.

(2) Any person duly authorised in writing by the Land Authority for Wales may at any reasonable time enter upon any land for the purpose of surveying it in order to enable the Land Authority for Wales to determine whether to make an application for planning

SCH. 4 permission for the carrying out of relevant development of that land.

(3) Subject to the provisions of paragraph 21 below, any power conferred by this paragraph to survey land shall be construed as including power to search and bore for the purpose of ascertaining the nature of the subsoil or the presence of minerals therein.

21.—(1) A person authorised under the last preceding paragraph to enter any land shall, if so required, produce evidence of his authority before so entering, and shall not demand admission as of right to any land which is occupied unless twenty-four hours' notice of the intended entry has been given to the occupier.

(2) Any person who wilfully obstructs a person acting in the exercise of his powers under the last preceding paragraph shall be guilty of an offence and liable on summary conviction to a fine not exceeding £20.

(3) If any person who, in compliance with the provisions of the last preceding paragraph, is admitted into a factory, workshop or workplace discloses to any person any information obtained by him therein as to any manufacturing process or trade secret, he shall, unless the disclosure is made in the course of performing his duty in connection with the purpose for which he was authorised to enter the premises, be guilty of an offence and liable on summary conviction to a fine not exceeding £400 or on conviction on indictment to imprisonment for a term not exceeding two years or a fine, or both.

(4) Where any land is damaged in the exercise of a right of entry conferred under the last preceding paragraph or in the making of any survey for the purpose of which any such right of entry has been so conferred, compensation in respect of that damage may be recovered by any person interested in the land from the Secretary of State or authority on whose behalf the entry was effected.

(5) Except in so far as may be otherwise provided by regulations made by the Secretary of State under this sub-paragraph, any question of disputed compensation under sub-paragraph (4) above shall be referred to and determined by the Lands Tribunal or, as the case may be, by the Lands Tribunal for Scotland.

1961 c. 33.
1963 c. 51.

In relation to the determination of any question under this sub-paragraph, the provisions of sections 2 and 4 of the Land Compensation Act 1961 and sections 9 and 11 of the Land Compensation (Scotland) Act 1963 shall apply, subject to any necessary modifications and to the provisions of any regulations under this sub-paragraph.

(6) Where under the last preceding paragraph a person proposes to carry out any works authorised by sub-paragraph (3) of that paragraph—

(a) he shall not carry out those works unless notice of his intention to do so was included in the notice required by sub-paragraph (1) of this paragraph, and

- (b) if the land in question is held by statutory undertakers, and those undertakers object to the proposed works on the grounds that the carrying out thereof would be seriously detrimental to the carrying on of their undertaking, the works shall not be carried out except with the authority of the appropriate Minister. SCH. 4

Displacement of Rent Acts

22. If the Secretary of State certifies that possession of a house which has been acquired by an authority under Part III of this Act, and is for the time being held by the authority for the purposes for which it was acquired, is immediately required for those purposes, nothing in—

- (a) the Rent Act 1968, or 1968 c. 23.
 (b) the Rent (Scotland) Act 1971 or Part III of the Housing (Scotland) Act 1974, 1971 c. 28.
1974 c. 45.

shall prevent the acquiring authority from obtaining possession of the house.

PART IV

APPROPRIATION OF LAND

23.—(1) A local authority and the Peak Park Joint and Lake District Special Planning Boards shall have power to appropriate land under section 122 of the Local Government Act 1972 or section 73 of the Local Government (Scotland) Act 1973— 1972 c. 70.
1973 c. 65.

- (a) for the purposes of Part III of this Act notwithstanding that the land is still required for the purpose for which it was held immediately before the appropriation, and
 (b) for any other purpose notwithstanding that it was held immediately before the appropriation for the purposes of Part III of this Act, and is still required for those purposes.

(2) All the provisions of Part III of this Schedule, other than paragraph 8, shall apply to land appropriated for the purposes of Part III of this Act as they apply to land acquired under Part III of this Act.

SCHEDULE 5

Section 16.

LAND ACQUISITION AND MANAGEMENT SCHEMES

1. In making or revising a land acquisition and management scheme the matters to be considered shall include—

- (a) the resources available to the respective authorities concerned, and in particular the services of persons qualified and experienced in the acquisition, management, planning, development and disposal of land which are so available,

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- (b) any previous experience of any authority in the exercise of functions relating to the acquisition of land with a view to either—
 - (i) developing it themselves and disposing of a material interest in it, or
 - (ii) making it available for development by others,
- (c) the provisions of planning law or local government law relating to the discharge of functions, and particularly the function of determining applications for planning permission,
- (d) any existing arrangements (including arrangements contained in development plans or development plan schemes) for the division of functions under planning law between the authorities,
- (e) any functions of the authorities, and in particular their functions under the law relating to the provision of housing accommodation, and
- (f) such other matters as the Secretary of State may direct.

Contents of schemes

2.—(1) Each land acquisition and management scheme shall contain arrangements for the execution of the authorities' functions in connection with the acquisition of land with a view to—

- (a) developing it themselves and disposing of a material interest in it, or
- (b) making it available for development by others.

(2) This paragraph applies in particular to arrangements as respects the service of notices under Part II of Schedule 7 to this Act.

3.—(1) Each scheme shall contain—

- (a) arrangements for the co-ordination of action by the authorities, including action under this Act,
- (b) arrangements, where appropriate, for the use by one authority of officers or servants employed by another authority,
- (c) where appropriate, provisions for the transfer of sums between authorities,
- (d) arrangements for determining matters of dispute between the authorities,
- (e) provisions for the periodic review of the scheme, and
- (f) such other matters as the Secretary of State may direct,

and may contain such transitional and other supplemental and incidental provisions as appear expedient to the authorities making the scheme.

(2) Heads (a), (c) and (d) of sub-paragraph (1) above shall not apply to a scheme made by a general planning authority in Scotland.

Supervision by Secretary of State

SCH. 5

4.—(1) As soon as practicable after a scheme has been made or revised (by all the authorities in the area of the county authority acting jointly) the county authority shall send a copy of the scheme (or the scheme as revised) to the Secretary of State.

(2) Where it appears to the Secretary of State that a scheme should be revised he may after consulting all the authorities direct those authorities (acting jointly) to revise it in accordance with the direction, and before the date specified in the direction.

(3) Where there is a failure to make a scheme within the time allowed by the principal section, or to comply with a direction under this paragraph, the Secretary of State may himself make a scheme (or revise one); and the scheme or revision shall have effect as if made by all the authorities acting jointly.

Public inspection

5.—(1) As soon as practicable after a scheme has been made or revised, each of the authorities in the area of the county authority shall deposit a copy of the scheme (or the scheme as revised) at their principal office and shall keep it available there at all reasonable hours for public inspection without payment; and each of those authorities shall, on application, furnish copies of the scheme (or the scheme as revised) to any person on payment of a reasonable sum for each copy.

(2) As soon as practicable after a scheme has been made or revised, the county authority shall send a copy of the scheme (or the scheme as revised) to every parish council whose area comprises any part of the area of the county authority.

(3) As respects Scotland sub-paragraph (2) above shall not apply but, in the case of a scheme made or revised for the area of a general planning authority, that authority shall send as soon as practicable a copy of the scheme (or the scheme as revised) to every district council whose district comprises any part of that area.

6. The provisions of paragraph 5 above shall apply in relation to any direction given by the Secretary of State under section 16(7) of this Act as they apply in relation to a scheme which has been made or revised.

SCHEDULE 6

Section 17.

GENERAL DUTIES OF AUTHORITIES

1.—(1) Every authority in exercising their functions on or after the first appointed day, and in particular in deciding—

(a) whether development land acquired by them should be developed by them, or made available for development by others, or

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- (b) what use should be made of such land until it is so developed or made so available,

shall have regard to the following matters—

- (i) the needs of persons living or carrying on business or other activities in the area, or wishing to do so ;
- (ii) the needs of builders and developers engaged in, or wishing to engage in, the carrying out of development in the area ;
- (iii) the needs of agriculture and forestry ;
- (iv) the needs and obligations of other authorities, local and new town authorities and parish or community councils ;
- (v) the needs and obligations of charities ;
- (vi) the needs and obligations of statutory undertakers ; and
- (vii) such other matters as the Secretary of State may direct.

(2) In Scotland a general planning authority, in acting as described in sub-paragraph (1) above, shall also have regard to the needs and obligations of district councils within their area.

2.—(1) Where an authority decide that land acquired by them as development land should be made available for development by persons other than any authority, they shall proceed as follows.

(2) Before disposing, or entering into a binding contract to dispose, of any material interest in the land to any person who has not made an application within sub-paragraph (3) below, the authority shall have regard to any application which has been so made.

(3) The relevant applications to the authority are those made in the prescribed form before all outstanding material interests in the land had been acquired by the authority—

- (a) by a person who owned a material interest in the land immediately prior to its acquisition by the authority ; or
- (b) by an applicant for planning permission for development of the same class as the development for which the land is being made available,

being in either case an application for an opportunity—

- (i) to negotiate the purchase of a material interest in the land in order to carry out the development for which the land is being made available on terms acceptable to the authority, or
- (ii) to negotiate to carry out that development on terms acceptable to the authority,

(4) Sub-paragraph (3)(b) only applies where the application was accompanied by the written consent of the owner of every outstanding material interest in the land which had not been acquired by the authority.

SCHEDULE 7

Sections 19 to 22.

PLANNING PERMISSION FOR RELEVANT DEVELOPMENT

PART I

Abandonment of power to purchase

1.—(1) An authority shall be regarded as abandoning their power to purchase the land in the circumstances and at the time set out in the following Table.

(2) The period for which the authority abandon their power to purchase the land ends at the expiration of a period of five years from that time unless the authority served notice stating that they did not intend to acquire the land, but subject to conditions which are not complied with.

(3) If the authority served such a notice, the period ends with the failure (or the first failure) to comply with the conditions.

TABLE

<i>Kind of notice</i>	<i>Time of abandonment of power to purchase</i>
1. Notice stating that the authority do not intend to purchase the land (whether or not subject to conditions).	Date of service of the notice.
<i>Planning permission to which section 19 applies</i>	
2. Notice stating that the authority intend to purchase the land, where section 19 of this Act applies.	The expiration of a period of twelve months beginning with the service of the notice unless the authority have completed the first step towards acquisition of the land before the end of that period.
<i>Planning permission to which section 20 applies</i>	
3. Notice stating that the authority intend to purchase the land, where section 20 of this Act applies.	<p>The expiration of—</p> <p>(a) a period of twelve months beginning with the service of the notice, or</p> <p>(b) if the applicant appeals against refusal of planning permission, twelve months beginning with the date on which a copy of the notice of appeal was duly served on the Secretary of State,</p> <p>unless the authority have completed the first step towards acquisition of the land before the end of the period or later period.</p>

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Making of compulsory purchase order

4. Completion of first step towards acquisition of the land by making and publishing notice of a compulsory purchase order.
- The expiration of a period of twelve months beginning with the date on which the compulsory purchase order becomes operative, unless the authority have served notice to treat in respect of all outstanding material interests in the land before the end of that period.
- (4) In this paragraph "notice" means notice under Part II of this Schedule served on—
- (a) where section 19 of this Act applies, the person making the election, and
 - (b) where section 20 of this Act applies, the applicant for planning permission.
- (5) For the purposes of this Schedule an authority complete the first step towards acquisition of the land when—
- (a) they enter into a binding contract to purchase the land, or
 - (b) notice is duly published of the making of a compulsory purchase order for the acquisition of the land by the authority.

End of suspension of planning permission

2.—(1) The suspension of planning permission to which section 19 or section 20 of this Act applies ends at the time when—

- (a) all the authorities have abandoned their power to purchase the land, or
- (b) any authority purchase the land,

whichever is the earlier.

(2) If an authority complete the first step towards acquisition of the land by making and publishing notice of a compulsory purchase order and at any time—

- (a) the Secretary of State serves notice on the authority that he does not intend to confirm the compulsory purchase order as respects the land on which the relevant development covered by the planning permission will be carried out, or
- (b) the compulsory purchase order is quashed by a court as respects the said land,

then for the purposes of this paragraph (but not for the purposes of paragraph 1 above) the authority shall be treated as abandoning their power to purchase at that time.

(3) In sub-paragraph (1)(b) above "authority" includes a local authority in Wales whose area includes the land.

Interpretation

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3. Subject to paragraph 9(3) below, references in this Schedule to purchase or acquisition of land shall, unless the context otherwise requires, be taken as references to purchase or acquisition of all outstanding material interests in the land on which the relevant development covered by the planning permission will be carried out.

PART II

NOTICES BY AUTHORITIES

Planning permission to which section 19 applies

4.—(1) It shall be the duty of each of the authorities to serve on the person making an election under section 19 of this Act a notice stating that the authority intend, or do not intend, to acquire the land to which the planning permission relates.

(2) A notice under this paragraph shall be in the prescribed form and shall be served not later than three months from service of the notice of election.

(3) An authority who fail to comply with this paragraph shall be treated for the purposes of this Schedule as having served notice (on the latest date allowed for giving notice) stating that they do not intend to acquire the land.

Planning permission to which section 20 applies

5.—(1) It shall be the duty of each of the authorities to serve—

(a) on the applicant for planning permission to which section 20 of this Act applies, and

(b) on any other person named in any certificate which in accordance with section 27 of the Act of 1971 or section 24 of the Scottish Act of 1972 is submitted with the application for planning permission,

a notice stating that the authority intend, or do not intend, to acquire the land to which the application relates if planning permission is granted in accordance with the application.

(2) A notice under this paragraph shall be in the prescribed form and shall be served within the time allowed for giving notice to the applicant for planning permission of the manner in which his application has been dealt with, being the time prescribed by order under section 31(1)(d) of the Act of 1971 or section 28(1)(d) of the Scottish Act of 1972.

(3) If the application for planning permission is one deemed to have been made under section 88 of the Act of 1971 or section 85 of the Scottish Act of 1972 (appeal against enforcement notice), a notice under this paragraph shall be served only if planning permission is granted in accordance with the application; and the notice—

(a) shall be served within three months of the grant on the applicant and on any other person on whom the enforcement notice was served, and

SCH. 7

(b) shall state that the authority intend, or do not intend, to acquire the land.

(4) An authority who fail to comply with the provisions of this paragraph relating to the service of notice on the applicant shall be treated for the purposes of this Schedule as having served notice (on the latest date allowed for giving notice) stating that they do not intend to acquire the land.

Duty of authority to notify change of intention

6.—(1) If an authority, after serving notice under the preceding provisions of this Part of this Schedule of intention to acquire the land, decide not to acquire the land, it shall be the duty of the authority to serve a notice to that effect—

(a) on the persons on whom that notice was required to be served, and

(b) where the authority have, before serving all the notices under paragraph (a), made a compulsory purchase order for the acquisition of the land, on the persons on whom notice of the making of the order was required to be served.

(2) A notice under this paragraph shall be in the prescribed form and shall be served as soon as practicable after the authority have decided not to acquire the land.

Notices subject to conditions

7.—(1) A notice under the preceding provisions of this Part of this Schedule stating that the authority do not intend to acquire the land may be expressed to be subject to a condition.

(2) If the condition does not comply with the requirements of the next following paragraph, the authority shall be treated for the purposes of this Schedule as if the notice stated unconditionally that the authority did not intend to acquire the land.

(3) A person seeking to question a condition on the ground that it does not comply with the requirements of the next following paragraph may, within six weeks of the day on which the notice is first served, make an application to the High Court or, as the case may be, to the Court of Session to determine the question.

(4) Except as so provided a condition shall not be questioned on that ground in any legal proceedings whatsoever.

Kinds of conditions

8.—(1) The conditions which may be imposed are as follows:—

1. A condition that no relevant development is carried out on the land except in accordance with the originating planning permission.

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2. A condition that no relevant development is carried out on the land except in accordance with a planning permission specified in the notice (being permission granted before service of the notice).
3. A condition that the development is begun not later than the expiration of a period specified in the notice.
4. In the case of an outline planning permission, a condition that application for approval of all reserved matters is made within a period specified in the notice.
5. A condition that the development permitted by the originating planning permission or other planning permission specified in the notice is completed within a period specified in the notice, or such extended period as the authority may agree.
6. Any other condition specified in regulations made by the Secretary of State under this paragraph.

(2) A condition requiring the carrying out of the originating planning permission or other planning permission specified in the notice implies a requirement that it be begun within the time prescribed by sections 41 and 42 of the Act of 1971, or sections 38 and 39 of the Scottish Act of 1972 (unless the condition prescribes a shorter period).

(3) Any period prescribed by the notice shall be a reasonable period.

(4) The condition may be one combining two or more of those allowed by this paragraph.

(5) A condition may at any time be relaxed by a subsequent notice served in the same manner as the previous notice, but—

- (a) the condition as relaxed must be one allowed by this paragraph,
- (b) a condition cannot be relaxed after a failure to comply with the condition.

(6) Regulations under this paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(7) In this paragraph—

“originating planning permission” means the planning permission mentioned in section 19, or as the case may be section 20, of this Act, and

“outline planning permission” and “reserved matters” have the same meanings as in sections 41 and 42 of the Act of 1971 or sections 38 and 39 of the Scottish Act of 1972.

Notices for parts of the land

9.—(1) A notice under this Part of this Schedule may be one relating to part only of the land.

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(2) A notice under this Part of this Schedule, other than one which states unconditionally that the authority do not intend to acquire any part of the land, shall be accompanied by a plan indicating the land to which the notice relates.

(3) Accordingly, it follows that both paragraph 1 and paragraph 2 of this Schedule may apply differently to different parts of the land.

(4) This paragraph shall not absolve an authority from the duty to serve notices under this Part of this Schedule as respects all the land.

Registration of notices

10.—(1) A notice under paragraph 4 or 5 above stating that the authority intend to acquire the land shall be a local land charge.

(2) If the authority subsequently serve a notice under paragraph 6 above stating that they have decided not to acquire the land, then, if they are not a local authority keeping a local land charges register, they shall, as soon as practicable thereafter, send a copy of the notice to every local authority keeping such a register whose area comprises any part of the land.

11.—(1) In relation to any time before the coming into force of the Local Land Charges Act 1975, paragraph 10 above shall have effect subject to the following modifications.

(2) For sub-paragraph (1) there shall be substituted—

“(1) As soon as practicable after serving a notice under paragraph 4 or 5 above stating that they intend to acquire the land, the authority shall send a copy of the notice to the proper officer (for the purposes of section 15 of the Land Charges Act 1925) of every local authority whose area comprises any part of the land; and as soon as practicable after receiving the copy of the notice, the proper officer shall register the notice in the local land charges register in such manner as may be prescribed by rules under section 19 of that Act.”

(3) In sub-paragraph (2) the words “then, if they are not a local authority keeping a local land charges register” shall be omitted and for the words “every local authority keeping such a register” there shall be substituted the words “the proper officer (for the purposes of section 15 of the Land Charges Act 1925) of every local authority”.

(4) At the end there shall be added the following sub-paragraph—

“(3) In this paragraph ‘local authority’ does not include a county council or the Greater London Council.”

12. As respects Scotland, paragraph 10 above shall not apply but any notice referred to in that paragraph shall be registered by the authority as soon as practicable in the register kept by them by virtue of section 31(2) of the Scottish Act of 1972 in accordance with the provisions of that section, but where the authority are not an authority responsible for keeping such a register they shall as soon as practicable send a copy of the notice to the local authority responsible for keeping the register for the area concerned, and that local authority shall register the notice accordingly.

PART III

SCH. 7

TRANSMISSION OF INFORMATION

Copies of applications for planning permission

13.—(1) This paragraph applies to applications for planning permission (for development of any description) made on or after the first appointed day.

(2) If an authority in column 1 of the following Table receive an application for planning permission to which this paragraph applies, the authority shall as soon as practicable after receipt send a copy of the application to the authority specified in column 2 of that Table.

(3) This paragraph shall not apply if and so far as the authority entitled to receipt of a copy otherwise direct.

TABLE

Application made to	Copy to be transmitted to
Council of a London borough ...	Greater London Council.
Common Council of City of London ...	Greater London Council.
District Council in Wales	Land Authority for Wales.
District Council, in England or Wales, where the application relates to land in the area of a new town authority.	The new town authority.
District planning authority in Scotland	Regional planning authority.
District planning authority or a general planning authority in Scotland, where the application relates to land in the area of a new town authority.	The new town authority.

Planning permissions in Wales

14.—(1) In Wales on any grant on or after the first appointed day of planning permission (for development of any description), the local planning authority, or as the case may be the Secretary of State, shall as soon as practicable send a copy of the notification of the planning permission to the Land Authority for Wales.

(2) This paragraph shall not apply if and so far as the Land Authority for Wales otherwise direct.

Sections 23
and 24.

SCHEDULE 8

DISPOSAL NOTIFICATION AREAS

PART I

Procedure on passing a resolution

1.—(1) As soon as practicable after passing a resolution declaring an area to be a disposal notification area, the authority shall—

- (a) publish a notice of the resolution identifying the area and naming a place or places where a copy of the resolution, and a map on which the area is defined, may be inspected at all reasonable times, and
- (b) send a copy of the resolution, and of the map, to every parish or community council whose area comprises any part of the disposal notification area.

(2) The resolution shall be a local land charge.

Functions of the Secretary of State

2.—(1) As soon as practicable after passing the resolution the authority shall send to the Secretary of State a copy of the resolution, and a copy of the map.

(2) If it appears to the Secretary of State appropriate he may, at any time, send a notification to the authority—

- (a) that the area declared to be a disposal notification area is no longer to be such an area, or
- (b) that land in the area, being land defined on a map accompanying the notification, is to be excluded from the disposal notification area.

(3) A notification under sub-paragraph (2)(a) or (b) above shall take effect on the date on which it is received by the authority, and the authority shall as soon as practicable after receipt—

- (a) publish a notice of the effect of the Secretary of State's notification and naming a place or places where a copy of the notification and, in the case of a notification affecting a part only of the area, a map on which that part of the area is defined, may be inspected at all reasonable times, and
- (b) send a copy of the notification, and of any map, to every parish or community council, and (if they are not a local authority keeping a local land charges register) to every local authority keeping such a register, whose area comprises any part of the disposal notification area affected by the notification.

PART II

SCH. 8

Notification of disposals

3.—(1) This paragraph applies to a notice under section 23(5) of this Act.

(2) The notice shall be in the prescribed form and shall be given not less than 4 weeks, and not more than 6 months, before the date of the carrying out of the transaction to which it relates.

(3) The notice shall contain—

- (a) the name and address of the person by whom it is furnished,
- (b) the address of, and any further information necessary to identify, the land to which the notice relates, and
- (c) the interest in that land which the person serving the notice has at the time of service.

(4) The reference in sub-paragraph (3)(a) above to a person's address is a reference to his place of abode or his place of business or, in the case of a company, its registered office.

(5) To the extent that it is capable of being so given, the information required by sub-paragraph (3)(b) above may be given by reference to a plan accompanying the notice.

(6) The notice shall also indicate whether or not, when the transaction (including performance of any contract) has been carried out, the person giving the notice will retain any material interest in the land, or any part of the land, and shall specify—

- (a) the nature of that interest, and
- (b) the land in which the interest will subsist.

PART III

Disposals of which notice may, but need not, be given

4.—(1) This paragraph applies to a disposal by an individual of a material interest in land which is the whole or any part of his private residence.

(2) This paragraph also applies to a disposal by trustees of a material interest in land held in trust where—

- (a) that land is the whole or any part of a person's private residence, and
- (b) that person is entitled, under the terms of the trust to occupy that residence or to receive the whole of the income derived from, or from the proceeds of sale of, the material interest.

(3) In this paragraph—

- (a) "disposal" includes a contract for a disposal,
- (b) "dwelling-house" includes part of a dwelling-house,
- (c) an individual's "private residence" means—

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(i) land comprising a dwelling-house which, at the date of the disposal, is that individual's only or main residence, and

(ii) land which at that date he has for his own occupation and enjoyment with that dwelling-house as its garden or grounds up to an area which, when aggregated with the area of the site of the dwelling-house, does not exceed one acre ;

and a person's "private residence" shall be construed accordingly.

PART IV

Termination of all or part of a disposal notification area

5.—(1) This paragraph applies where an authority pass a resolution declaring that all or part of a disposal notification area is no longer to be a disposal notification area.

(2) As soon as practicable after passing the resolution, the authority shall—

(a) publish a notice of the effect of the resolution and naming a place or places where a copy of the resolution, and, in the case of a resolution affecting a part only of the area, a map on which that part of the area is defined, may be inspected at all reasonable times, and

(b) send a copy of the resolution, and of any map, to every parish or community council, and (if they are not a local authority keeping a local land charges register) to every local authority keeping such a register, whose area comprises any part of the disposal notification area affected by the resolution.

(3) As soon as practicable after passing the resolution the authority shall send to the Secretary of State a copy of the resolution, and a copy of any map.

PART V

Publication

6. Any reference in this Schedule to publication of a notice is a reference to publication in the London Gazette or the Edinburgh Gazette, as the case may require, and in two or more newspapers circulating in the locality, of which at least one shall, if practicable, be a local newspaper.

Savings

7. The passing of a resolution declaring that all or part of a disposal notification area is no longer to be such an area, and any notification within paragraph 2(3) of this Schedule, shall not affect—

(a) liability for any offence committed, or

(b) the operation of any notice served under section 193(1) of the Act of 1971 or section 182(1) of the Scottish Act of 1972 (power to serve blight notice),

before the resolution or notification.

Transitory provisions

SCH. 8

8.—(1) In relation to any time before the coming into force of the Local Land Charges Act 1975, paragraphs 1(2), 2(3)(b) and 5(2)(b) above shall have effect subject to the following modifications. 1975 c. 76.

(2) For paragraph 1(2) there shall be substituted—

“(2) As soon as practicable after passing the resolution the authority shall send a copy of the resolution and of the map to the proper officer (for the purposes of section 15 of the Land Charges Act 1925) of every local authority whose area comprises any part of the disposal notification area; and as soon as practicable after receiving the copy of the resolution the proper officer shall register the resolution in the local land charges register in such manner as may be prescribed by rules under section 19 of that Act.

In this sub-paragraph and in paragraphs 2(3)(b) and 5(2)(b) below ‘local authority’ does not include a county council or the Greater London Council.”

(3) In paragraphs 2(3)(b) and 5(2)(b) for the words from “(if” to “a register” there shall be substituted the words “to the proper officer (for the purposes of section 15 of the Land Charges Act 1925) of every local authority”.

Scotland

9. As respects Scotland, paragraphs 1(1)(b) and (2) and 2(3)(b) and paragraph 5(2)(b) above shall not apply, but—

(a) the resolution or notification referred to in paragraph 1, paragraph 2(3) or paragraph 5 above shall be registered by the authority as soon as practicable in the register kept by them by virtue of section 31(2) of the Scottish Act of 1972 in accordance with the provisions of that section, but where the authority are not an authority responsible for keeping such a register, they shall as soon as practicable send a copy of the resolution and map or notification to the local authority responsible for keeping the register for the area concerned, and that local authority shall register the resolution or notification accordingly, and

(b) in the case of a resolution passed by or notification received by a general planning authority, that authority shall send as soon as practicable a copy of such resolution or notification and of any map to every district council whose district comprises any part of the disposal notification area or any part thereof affected by the resolution, or as the case may be, notification.

Section 47.

SCHEDULE 9

LAND COMPENSATION ACTS AS AMENDED

PART I

1961 c. 33.

SECTION 17 OF LAND COMPENSATION ACT 1961

Certification of
appropriate
alternative
development.

17.—(1) Where an interest in land is proposed to be acquired by an authority possessing compulsory purchase powers, and that land or part thereof does not consist or form part of—

- (a) an area defined in the development plan as an area of comprehensive development, or
- (b) an area shown in the development plan as an area allocated primarily for a use which is of a residential, commercial or industrial character, or for a range of two or more uses any of which is of such a character,

then, subject to subsection (2) of this section, either of the parties directly concerned may apply to the local planning authority for a certificate under this section.

(2) If, in the case of an interest in land falling within subsection (1) of this section, the authority proposing to acquire it have served a notice to treat in respect thereof, or an agreement has been made for the sale thereof to that authority, and a reference has been made to the Lands Tribunal to determine the amount of the compensation payable in respect of that interest, no application for a certificate under this section shall be made by either of the parties directly concerned after the date of that reference except either—

- (a) with the consent in writing of the other of those parties, or
- (b) with the leave of the Lands Tribunal.

(3) An application for a certificate under this section—

- (a) shall state whether or not there are, in the applicant's opinion, any classes of development which, either immediately or at a future time, would be appropriate for the land in question if it were not proposed to be acquired by any authority possessing compulsory purchase powers and, if so, shall specify the classes of development and the times at which they would be so appropriate;
- (b) shall state the applicant's grounds for holding that opinion; and
- (c) shall be accompanied by a statement specifying the date on which a copy of the application has been or will be served on the other party directly concerned.

(4) Where an application is made to the local planning authority for a certificate under this section in respect of an interest in land, the local planning authority shall, not earlier than twenty-one days after the date specified in the statement mentioned in paragraph (c) of subsection (3) of this section, issue

to the applicant a certificate stating either of the following to be the opinion of the local planning authority regarding the grant of planning permission in respect of the land in question, if it were not proposed to be acquired by an authority possessing compulsory purchase powers, that is to say—

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- (a) that planning permission for development of one or more classes specified in the certificate (whether specified in the application or not) would have been granted; or
- (b) that planning permission would not have been granted for any development other than the development (if any) which is proposed to be carried out by the authority by whom the interest is proposed to be acquired.

(5) Where, in the opinion of the local planning authority, planning permission would have been granted as mentioned in paragraph (a) of subsection (4) of this section, but would only have been granted subject to conditions, or at a future time, or both subject to conditions and at a future time, the certificate shall specify those conditions, or that future time, or both, as the case may be, in addition to the other matters required to be contained in the certificate.

(6) For the purposes of subsection (5) of this section, a local planning authority may formulate general requirements applicable to such classes of case as may be described therein; and any conditions required to be specified in the certificate in accordance with that subsection may, if it appears to the local planning authority to be convenient to do so, be specified by reference to those requirements, subject to such special modifications thereof (if any) as may be set out in the certificate.

(7) In determining, for the purposes of the issue of a certificate under this section, whether planning permission for any particular class of development would have been granted in respect of any land, the local planning authority shall not treat development of that class as development for which planning permission would have been refused by reason only that it would have involved development of the land in question (or of that land together with other land) otherwise than in accordance with the provisions of the development plan relating thereto.

(8) Where an application for a certificate under this section relates to land of which part (but not the whole) consists or forms part of such an area as is mentioned in paragraph (a) or paragraph (b) of subsection (1) of this section, any certificate issued under this section in pursuance of that application shall be limited to so much of that land as does not fall within any such area.

(9) On issuing to one of the parties directly concerned a certificate under this section in respect of an interest in land, the local planning authority shall serve a copy of the certificate on the other of those parties.

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PART II

1963 c. 51.

SECTION 25 OF LAND COMPENSATION (SCOTLAND) ACT 1963

Certification of
appropriate
alternative
development.

25.—(1) Where an interest in land is proposed to be acquired by an authority possessing compulsory purchase powers, and that land or part thereof does not consist or form part of—

- (a) an area defined in the development plan as an area of comprehensive development, or
- (b) an area shown in the development plan as an area allocated primarily for a use which is of a residential, commercial or industrial character, or for a range of two or more uses any of which is of such a character.

then, subject to subsection (2) of this section, either of the parties directly concerned may apply to the planning authority for a certificate under this section.

(2) If, in the case of an interest in land falling within subsection (1) of this section, the authority proposing to acquire it have served a notice to treat in respect thereof, or an agreement has been made for the sale thereof to that authority, and a reference has been made to the Lands Tribunal for Scotland to determine the amount of the compensation payable in respect of that interest, no application for a certificate under this section shall be made by either of the parties directly concerned after the date of that reference except either—

- (a) with the consent in writing of the other of those parties, or
- (b) with the leave of the Lands Tribunal for Scotland.

(3) An application for a certificate under this section—

- (a) shall state whether or not there are, in the applicant's opinion, any classes of development which, either immediately or at a future time, would be appropriate for the land in question if it were not proposed to be acquired by any authority possessing compulsory purchase powers and, if so, shall specify the classes of development and the times at which they would be so appropriate ;
- (b) shall state the applicant's grounds for holding that opinion ; and
- (c) shall be accompanied by a statement specifying the date on which a copy of the application has been or will be served on the other party directly concerned.

(4) Where an application is made to the planning authority for a certificate under this section in respect of an interest in land, the planning authority shall, not earlier than twenty-one days after the date specified in the statement mentioned in subsection (3)(c) of this section, issue to the applicant a certificate stating that, in the opinion of the planning authority in respect of the land in question, either—

- (a) planning permission for development of one or more classes specified in the certificate (whether specified in the application or not) would have been granted ; or

- (b) planning permission would not have been granted for any development other than the development (if any) which is proposed to be carried out by the authority by whom the interest is proposed to be acquired.

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(5) Where, in the opinion of the planning authority, planning permission would have been granted as mentioned in subsection (4)(a) of this section, but would only have been granted subject to conditions, or at a future time, or both subject to conditions and at a future time, the certificate shall specify those conditions, or that future time, or both, as the case may be, in addition to the other matters required to be contained in the certificate.

(6) For the purposes of subsection (5) of this section, a planning authority may formulate general requirements applicable to such classes of case as may be described therein; and any conditions required to be specified in the certificate in accordance with that subsection may, if it appears to the planning authority to be convenient to do so, be specified by reference to those requirements, subject to such special modifications thereof (if any) as may be set out in the certificate.

(7) In determining, for the purposes of the issue of a certificate under this section, whether planning permission for any particular class of development would have been granted in respect of any land, the planning authority shall not treat development of that class as development for which planning permission would have been refused by reason only that it would have involved development of the land in question (or of that land together with other land) otherwise than in accordance with the provisions of the development plan relating thereto.

(8) Where an application for a certificate under this section relates to land of which part (but not the whole) consists or forms part of such an area as is mentioned in subsection (1)(a) or subsection (1)(b) of this section, any certificate issued under this section in pursuance of that application shall be limited to so much of that land as does not fall within any such area.

(9) On issuing to either of the parties directly concerned a certificate under this section in respect of an interest in land, the planning authority shall serve a copy of the certificate on the other of those parties.

SCHEDULE 10

Section 58(2).

MINOR AND CONSEQUENTIAL AMENDMENTS

General

1.—(1) Subject to sub-paragraph (2) below, a body corporate which has made application under paragraph 2(3)(a) of Schedule 6 to this Act shall have power to acquire a material interest in the land in order to carry out the development for which the land is being

SCH. 10 made available, notwithstanding any limitation imposed by law (whether by virtue of any enactment or of its constitution or otherwise) on the capacity of the body corporate to acquire the land in order to carry out the development.

(2) Sub-paragraph (1) above does not apply where any limitation is imposed by law (whether by virtue of any enactment or of its constitution or otherwise) on the capacity of the body corporate to carry out the development on its own land.

(3) Nothing in this paragraph shall be construed as authorising any act or omission on the part of a body corporate which is actionable at the suit, or in Scotland the instance, of any person on any ground other than such a limitation as is mentioned in sub-paragraph (1) above.

1894 c. 23.

The Commissioners of Works Act 1894

2.—(1) For subsection (1) of section 1 of the Commissioners of Works Act 1894 (which applies the Lands Clauses Acts to acquisitions under the Commissioners of Works Act 1852), there shall in relation to England and Wales be substituted the following subsection—

1852 c. 28.

“(1) For the purpose of the purchase of land by the Secretary of State under the Commissioners of Works Act 1852, the provisions of Part I of the Compulsory Purchase Act 1965 (so far as applicable), other than section 31, shall apply.

In the said Part I as so applied the word “land” means (except where the context otherwise requires) any corporeal hereditament, including a building, and, in relation to the acquisition of land under the said Act of 1852, includes any interest in or right over land.”.

(2) For subsection (1) of section 1 of the said Act of 1894 there shall in relation to Scotland be substituted the following subsection—

“(1) For the purpose of the purchase of land by the Secretary of State under the Commissioners of Works Act 1852, the Lands Clauses Acts (except so much thereof as relates to the acquisition of land otherwise than by agreement, and the provisions relating to access to the special Act, and except sections 120 to 125 of the Lands Clauses Consolidation (Scotland) Act 1845), and sections 6 and 70 of the Railways Clauses Consolidation (Scotland) Act 1845 and sections 71 to 78 of that Act (as originally enacted and not as amended by section 15 of the Mines (Working Facilities and Support) Act 1923) are hereby incorporated with the said Act of 1852, and, in construing those Acts for the purposes of the said Act of 1852, that Act shall be deemed to be the special Act and the Secretary of State shall be deemed to be the promoter of the undertaking or company, as the case may require.

In relation to the acquisition of land under the said Act of 1852, ‘land’ includes any interest in or right over land.”.

(3) This paragraph shall have effect only in relation to agreements entered into after the expiration of a period of one month beginning with the passing of this Act.

The Lands Tribunal Act 1949

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3.—(1) In section 3 of the Lands Tribunal Act 1949 (rules regulating proceedings before the Lands Tribunal) after subsection (6) there shall be inserted the following subsections—

“(6A) It is hereby declared that this section authorises the making of rules which allow the Tribunal to determine cases without an oral hearing.

(6B) The rules shall require that the determination without an oral hearing of any disputed claim for compensation which—

(a) is payable in respect of a compulsory acquisition of land, or

(b) depends directly or indirectly on the value of any land, shall require the consent of the person making the claim.

(6C) Where the Tribunal determine a case without an oral hearing, subsection (3) of this section shall apply subject to such modifications as may be prescribed by the rules.”

(2) In sections 3(6)(b) of the Lands Tribunal Act 1949 (provision for the Tribunal to sit with assessors) for “sit with” there shall be substituted “be assisted by”.

The Land Compensation Act 1961

1961 c. 33.

4.—(1) At the end of section 2(2) of the Land Compensation Act 1961 (tribunal to sit in public) there shall be added—

“Provided that this subsection shall not prevent the determination of cases without an oral hearing pursuant to rules under section 3 of the Lands Tribunal Act 1949”.

(2) In section 15(5) of the Land Compensation Act 1961 (assumptions as to planning permission) for the words “might reasonably have been expected to be” there shall be substituted the words “would have been” and after the word “thereof” there shall be inserted the words “if it were not proposed to be acquired by any authority possessing compulsory purchase powers”.

(3) In section 19(3) of the Land Compensation Act 1961 (extension of sections 17 and 18 to special cases) there shall be substituted for the words “paragraph (a)” the words “paragraphs (a) and (b)” and for the words “paragraph (b)” the words “paragraph (c)”.

(4) In Schedule 2 to the Land Compensation Act 1961 (acquisition of houses as being unfit for human habitation), at the end of paragraph 2(1)(h) there shall be added the words “or

(i) an acquisition under Part III of the Community Land Act 1975.”.

(5) Sub-paragraphs (2) and (3) above shall have effect only in relation to applications, or certificates issued in pursuance of applications, made after the expiration of a period of one month beginning with the passing of this Act.

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1963 c. 51.

The Land Compensation (Scotland) Act 1963

5.—(1) At the end of section 9(2) of the Land Compensation (Scotland) Act 1963 (tribunal to sit in public) there shall be added—

“ Provided that this subsection shall not prevent the determination of cases without an oral hearing pursuant to rules under section 3 of the Lands Tribunal Act 1949 ”.

(2) In section 23(5) of the Land Compensation (Scotland) Act 1963 (assumptions as to planning permission) for the words “ might reasonably have been expected to be ” there shall be substituted the words “ would have been ” and after the word “ thereof ” there shall be inserted the words “ if it were not proposed to be acquired by any authority possessing compulsory purchase powers ”.

(3) In section 27(5) of the Land Compensation (Scotland) Act 1963 (extension of sections 25 and 26 to special cases) there shall be substituted for the words “ section 25(3)(a) ” the words “ subsection (3)(a) and (b) of section 25 ” and for the words “ subsection (3)(b) ” the words “ subsection (3)(c) ”.

(4) In Schedule 2 to the Land Compensation (Scotland) Act 1963 (acquisition of houses as being unfit for human habitation), at the end of paragraph 1(1)(f) there shall be added the words “ or

(g) an acquisition under Part III of the Community Land Act 1975 ”.

(5) Sub-paragraphs (2) and (3) above shall have effect only in relation to applications, or certificates issued in pursuance of applications, made after the expiration of a period of one month beginning with the passing of this Act.

1971 c. 78.

The Town and Country Planning Act 1971

6.—(1) In section 27 of the Act of 1971 (notification of applications for planning permission to owners and agricultural tenants)—

(a) in subsection (1)(a) (no notification if applicant is the estate owner or entitled to a tenancy) for the words from “ that ” to the end there shall be substituted the words “ at the beginning of the period of twenty-one days ending with the date of the application, no person (other than the applicant) was the owner of any of the land to which the application relates ”, and

(b) in subsection (7) (definition of “ owner ”) for the words from “ who ” to “ unexpired ” there shall be substituted the words “ entitled to any material interest (within the meaning of section 6 (1) and (2) of the Community Land Act 1975) in the land ”.

This sub-paragraph applies to every application for planning permission made on or after the first appointed day.

(2) In section 34 of the Act of 1971 (registers of planning applications and decisions), after subsection (1) there shall be inserted the following subsection—

“(1A) Where information concerning the grant of planning permission is entered in a register kept by virtue of subsection

(1) above, there shall also be entered details of any certificate relating to that planning permission and given under section 21 of the Community Land Act 1975.”

SCH. 10

(3) In section 194(2) of the Act of 1971 (grounds of objection to blight notice), in paragraph (d), the words “(in the case of land falling within paragraph (a) or (c) but not (d), (e) or (f) of section 192(1) of this Act)” shall be omitted and for the word “fifteen” there shall be substituted the word “ten”.

This sub-paragraph applies to every counter-notice served under the said section 194 on or after the first appointed day.

The Town and Country Planning (Scotland) Act 1972

1972 c. 52.

7.—(1) In section 24 of the Scottish Act of 1972 (notification of applications to owners and agricultural tenants)—

(a) in subsection (1)(a) (no notification if applicant is estate owner or a tenant) for the words from “that” to the end there shall be substituted the words “at the beginning of the period of twenty-one days ending with the date of the application, no person (other than the applicant) was the owner of any of the land to which the application relates”, and

(b) in subsection (7) (definition of “owner”) for the words from “who” to “years” there shall be substituted the words “entitled to any material interest (within the meaning of section 6(1) and (2) of the Community Land Act 1975) in the land”.

This sub-paragraph applies to every application for planning permission made on or after the first appointed day.

(2) In section 31 of the Scottish Act of 1972 (registers of planning applications and decisions), at the end of subsection (2) there shall be added the words “and with respect to resolutions and notifications under Schedule 8 to the Community Land Act 1975” and after that subsection there shall be inserted the following subsection—

“(2A) Where information concerning the grant of planning permission is entered in a register kept by virtue of subsection (2) above, there shall also be entered details of any certificate relating to that planning permission given under section 21 of the Community Land Act 1975.”

(3) In section 183(2) of the Scottish Act of 1972 (grounds of objection to blight notice), in paragraph (d), the words “in the case of land falling within paragraph (a) or (c) but not (e), (f) or (h) of section 181(1) of this Act)” shall be omitted and for the word “fifteen” there shall be substituted the word “ten”.

This sub-paragraph applies to every counter-notice served under the said section 183 on or after the first appointed day.

The Local Government Act 1972

1972 c. 70.

8.—(1) Section 123A of the Local Government Act 1972 (inserted by this Act) shall apply to the Peak Park Joint and Lake District Special Planning Boards as if they were principal councils.

SCH. 10

(2) In paragraph 55 of Schedule 16 to the Local Government Act 1972 (which makes provision as to the exercise of functions under section 17 of the Land Compensation Act 1961 elsewhere than in Greater London) for the words “might reasonably have been expected to be granted”, in both places where they occur, there shall be substituted the words “would have been granted if the land in question were not proposed to be acquired by any authority possessing compulsory purchase powers.”

This sub-paragraph shall have effect only in relation to applications made after the expiration of a period of one month beginning with the passing of this Act.

1974 c. 7.

The Local Government Act 1974

9.—(1) In section 25(1) of the Local Government Act 1974 (authorities subject to investigation) after paragraph (a) there shall be inserted the following paragraph—

“(aa) the Land Authority for Wales and any body corporate established by an order made by the Secretary of State under section 50 of the Community Land Act 1975.”

(2) In section 30 of the Local Government Act 1974 (reports on investigations), after subsection (2) there shall be inserted the following subsection—

“(2A) Where the complaint related to the Land Authority for Wales, the Local Commissioner shall also send the report or statement to the Secretary of State.”.

1975 c. 30.

The Local Government (Scotland) Act 1975

10. In section 23(1) of the Local Government (Scotland) Act 1975 (authorities subject to investigation), after paragraph (a) there shall be inserted the following paragraph—

“(aa) any body corporate established by an order made by the Secretary of State under section 50 of the Community Land Act 1975.”

Section 58(3).

SCHEDULE 11

REPEALS

Chapter	Short Title	Extent of Repeal
1971 c. 78.	The Town and Country Planning Act 1971.	In section 194(2), the words “(in the case of land falling within paragraph (a) or (c) but not (d), (e) or (f) of section 192(1) of this Act)”.
1972 c. 52.	The Town and Country Planning (Scotland) Act 1972.	In section 183(2), the words “(in the case of land falling within paragraph (a) or (c) but not (e), (f) or (h) of section 181(1) of this Act)”.

These repeals take effect on the first appointed day.

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